

ASBPA Comments on CEQ's Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies Dated December 3, 2009

GENERAL COMMENTS.

The American Shore & Beach Preservation Association (ASBPA) is providing these comments in response to the publication of Draft revised Principles and Guidelines for Water Resources by the White House Council on Environmental Quality issued on December 3, 2009, for public comment. The press release announcing issuance of the Draft states that the document is titled "Revised Principles and Guidelines for Water Resources". The document provided for comment, however, is entitled "Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies". In our comments, we will refer to the document as the "Proposed Principles and Standards" or "the Draft", and are providing comments based on what has been made available at this time to the public. .

The transmittal letter highlights important changes in the revised Principles and Guidelines that modernize the current approach to water resources development in this country. One of the most significant changes highlighted in the transmittal letter is a shift in emphasis from economic development alone to co-equal goals to both protect and restore the environment and improve the economic well-being of the nation for present and future generations. Even though this is an important change, there is no discussion in the Draft. If modernization of the current approach includes achieving co-equal goals, this important change must be fully discussed in the proposed Principles and Standards

We recognize that more specific details will be provided in the Guidelines yet to be developed and in each agency's implementation procedures. However, we also recognize that while the proposed Principles and Standards are intended to provide general policy direction, whatever guidance is approved by the Administration will dictate the formulation of the revised Guidelines that in turn will ultimately direct the planning and project formulation of all federal water resources agencies. While it is challenging to offer meaningful comments without the advantage of the specific Guidelines, we feel obligated to express our concerns at this time due to the importance of the topic. Hopefully our concerns and comments will be adequately addressed in revisions to this document and the future Guidelines. Once the Guidelines are developed in support of the Principles and Standards, review of the Guidelines may result in further issues with the Principles and Standards. We recommend that CEQ not finalize the Principles and Standards until issues identified in the proposed Guidelines, which more clearly identify the intent of the Principles and Standards, are resolved.

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ASBPA is extremely disappointed in the overall quality of the Draft. Stylistically and substantively, it is not well written. Far too often, it is contradictory and confusing. It would appear to have suffered from a political editing process in which many sections were revised without concern for whether or not they remained consistent, after revision, with the rest of the document and the definitions and principles supporting it. This will make it impossible for any non-policymaking body, such as the National Academy of Sciences, to review it. Their only reasonable conclusion must be to return it to be made internally consistent. Quite frankly, we do not believe it is ready for prime-time. We recommend that the CEQ recall this document and revise it prior to wasting resources at the National Academy of Sciences to review it. We further recommend that additional experienced water resources planners be retained to assist in that endeavor to insure that proven methods and technologies are not supplanted by untested polemics that owe more to fantasy than to practice. Quality and consistency in the document are needed in order to enable a meaningful review.

ASBPA provided comments to the U.S. Army Corps of Engineers on October 15, 2008. In response to the Draft Proposed Principles for Water and Related Land Resources Implementation Studies published in the Federal Register on September 12, 2008. In those comments we took the opportunity to briefly discuss some of the key history of water resources evaluation principles and standards to show how water resources guidance has evolved over a significant period of time. We strongly suggest that the proposed Principles and Standards incorporate a history of the water resources principles, standards, and guidelines so that it is clearly understood that many of the principles in the Draft are long standing and well expressed. Most of the current emphasis is not new but was actually incorporated in principles that were published more than 50 years ago. By building on the long established principles rather than any implication that this document represents a new approach, credibility will be added to the document and potentially avoid many comments on the basic principles.

While the principles in the Draft are not new, there has been a definite shift in emphasis. The change is so dramatic that we believe the document, in its current form, is not balanced in its coverage. The proposed Principles and Standards are consistent with the desire of ASBPA to equally include all national benefits in the formulation of water resources projects. For instance, shore protection projects should be formulated to include all national benefits on an equal basis, including recreation benefits, environmental benefits, public safety benefits, and other social benefits. The document, however, states that all benefits are to be maximized at the same time. This is not appropriate when some of the benefits have different measures of value. Economic benefits are estimated in monetary terms (dollars) and are labeled as monetary benefits. This is typically not true for environmental, public safety, and social benefits that are not estimated in monetary terms and are, therefore, labeled as non-monetary benefits. Without comparable measures of value, there are no universally acceptable methodologies, nor have any new ones been offered in the Draft, to maximize for all these benefits at the same time. Their consideration and inclusion are valid. However, since the benefits are not on a comparable basis, trade-off analyses must be performed to guide decisions regarding the appropriateness of adding varying amounts of one type of benefit at the expense of another. The process must start from a plan primarily for one purpose and then vary benefit outputs for other purposes in order to decide if the incremental changes are warranted. This process continues until a recommended plan is

selected. Once that plan is identified, then all the national economic, environmental, and social benefits can be reported in units of measurement appropriate for each category.

The National Objective as stated in the document is to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits. The National Objective is sound if all of the benefits have the same measurement of value. Without comparable measurement of values, formulation for all benefit categories at the same time and valuing one plan over another is problematic and unworkable. History has shown us in the 1973 Principles and Standards that planning for two equal objectives at the same time simply does not work.

Given the problems we identified above in realizing the National Objective, we repeat our recommendation that this document be completely revised because it is not balanced in its coverage of national benefits. The Water Resources Development Act of 2007, Section 2031 of P.L. 110-114, cited in the preamble of the Draft as establishing authority for this revision requires that all water resources projects should reflect national priorities, encourage economic development, and protect the environment. Thus, WRDA 2007 recommends a more equitable treatment of benefits than is proposed in the Draft.

PROPOSED NATIONAL OBJECTIVES FOR WATER RESOURCES PLANNING.

1. Purpose.

The title of the Draft states that CEQ's proposed National Objectives will be identified in the Draft. Under the paragraph labeled **1. Purpose**, it is stated that these National Objectives and the supporting Planning Principles and Standards establish the National water resources planning policy and the framework for the planning process. Under the paragraph labeled **3. National Objectives of Water Resources Planning**, it states that "The National Objective for water resources planning is to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits." This is one objective, not multiple objectives as one would expect from the title of the document, the statement under purpose, and the title of this section. In addition, throughout the document it mentions the greatest "net contribution" to the National Objectives; maximizing net contributions to the National Objectives; plan effectiveness, completeness, acceptability, and efficiency in contributing to the National Objectives; achieving the National Objectives; emphasizing contributions to the National Objectives; and the likelihood of fulfilling the National Water Resources Planning Objectives. With all this emphasis on meeting the plural National Objectives, those objectives should be clearly identified, if in fact they exist. If there is only one National Objective defined in the document, then the numerous references to plural objectives should be revised in the Principles and Standards in order to avoid confusion.

2. Applicability.

The Draft states that these National Objectives, Principles, and Standards apply to federal water and related resources implementation studies completed 180 days after the publication of the supporting Interagency Guidelines. It should be made clear that publication means publication of the final approved Interagency Guidelines. Our concern is that implementation studies take more than 180 days to complete. Therefore, applying the 180-day standard for completed studies will be problematic, as well as costly to taxpayers. Study time and resources may be wasted by having to adjust the study procedures in midstream. ASBPA recommends application of the new rules to implementation studies that are initiated after the publication of the final Interagency Guidelines. The applicability of the document is also inconsistent with the Water Resources Development Act of 2007, Section 2031 of P.L. 110-114, which indicates that the new rules shall apply to feasibility studies initiated after the date of issuance.

3. National Objectives of Water Resources Planning.

The Draft states that Federal water resources planning and development should both “improve the economic well-being of the Nation for present and future generations and protect and restore the environment”. This is the role of projects, not the planning process. The statement is confusing as to whether projects must be formulated for both purposes for each potential project or whether they may be formulated independently for each purpose. Many potential projects do not provide an opportunity to include both purposes. Those potential projects would be eliminated from further consideration if both purposes must be met even though they may be feasible for only one primary purpose. In addition, if both economic and environmental objectives are required for every project, inefficiencies will result by forcing economic and environmental improvements to be included that may not be the highest priority expenditure for each of those independent purposes. For instance, a requirement to improve the economic well-being for a primarily environmental restoration project may result in an economic improvement that is less important or significant than solving an economic problem elsewhere. It is in the National interest to allocate resources in the most efficient manner.

The National Objective of developing water resources projects based on sound science that maximizes the combination of net national economic, environmental, and social benefits is not currently attainable and may never be attainable. There is no established relationship of social and environmental values to economic or monetary values. Also, there is currently no acceptable methodology or procedures to combine monetary and non-monetary benefits that results in a maximization of combined economic, environmental, and social benefits in a meaningful and acceptable way. It can only be done when plans for each purpose are separable elements. This situation is uncommon. In order to perform a trade-off analysis to combine multiple objectives into one plan, planners must formulate for one objective first. After identifying the plan that maximizes net benefits for that objective, consideration can be given to other objectives. Decisions can be made to modify the initial plan based on the benefits given up in order to receive benefits from another purpose or objective. If the potential project is primarily for environmental restoration, formulate for that objective first. After identifying the best environmental solution, consider modifications through a trade off analysis that would result in

economic or social benefits that would be sufficient to warrant giving up some of the environmental benefits. The same procedure would apply for primarily economic plans. We do not believe that primarily social plans are an appropriate outcome of water resources planning although they could potentially be done under the purview of other Federal agencies.

The document further indicates that consistent with the National Objective, the United States will demonstrate leadership by modernizing the way the Nation plans water resources projects. On the surface, the three items identified, in general, are not new to planning. However, the modernization of them with restrictive language is not concurred in by ASBPA. The first item identified is “protect and restore natural ecosystems and the environment while encouraging sustainable economic development”. While the word “sustainable” is in the Glossary, “sustainable economic development” is not. Additional discussion should be provided on how to measure or determine whether economic development is sustainable. Based on the wording of the first item, we would expect that the plan developed would be a potential project primarily for environmental restoration. It is not the same planning technique as one defined in the document as the National Objective, i.e., developing “water resources projects based on sound science that maximizes the combination of net national economic, environmental, and social benefits”. To be consistent with the National Objective, an additional item is also needed to provide a balanced planning approach. The additional item should be to “improve the economic well-being of the Nation while encouraging protection and restoration of environment resources”. Also, social benefits are part of the National Objective but are not mentioned in the discussion about the modernized way of planning.

The second item for modernizing planning is “avoiding adverse impacts to natural ecosystems whenever possible and fully mitigating any unavoidable impacts”. Based on a plain English-language definition of the word “avoid”, this statement, and others throughout the Draft, are too restrictive, as stated. Full mitigation is sometimes not possible, practical, or appropriate. The remainder of the document discusses mitigation where practicable so the document is not consistent in this regard. Mitigation, where practicable, is the way planning is currently being performed. If this is modernizing planning by eliminating any primarily economic project alternative from further consideration when unavoidable environmental impacts cannot be fully mitigated, then we strongly reject this item’s inclusion. In addition, this item says avoid “whenever possible” rather than the NEPA requirement to avoid “whenever practicable”.

It is always possible to avoid adverse impacts to natural systems by eliminating alternatives considered and possibly doing nothing. Once again, this interpretation is too restrictive and unacceptable to ASBPA. Elimination of viable planning alternatives is also inconsistent with the National Objective for water resources planning as stated in this document. The document states that the National Objective for water resources planning is to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits. We strongly believe that the restriction of alternatives considered does not allow the National Objective to be met.

The third item for modernizing planning is avoiding the “unwise use of flood plains, flood-prone areas and other ecologically valuable areas”. This item is also too restrictive as written. Sometimes these areas cannot be avoided in solving the water resources problems being studied.

We agree with avoiding, where practicable, but not where the requirement to “avoid” is an absolute. If the intension is to modernize planning by strict avoidance of these areas, then viable alternatives will be restricted from consideration during the planning process. Application of this item, as currently worded, is inconsistent with meeting the National Objective.

4. Approval.

The intent is for the President to sign the preamble to the full document which makes it extremely important to have appropriate preamble wording. The wording regarding the modernization of the way the Nation plans water resources projects as stated in this preamble, is overly restrictive, biased against projects, and totally unacceptable to ASBPA.

Chapter I – Planning Principles.

1. Principles.

The principles discussed in the document should be widely accepted water resources planning principles that direct the planning process, the formulation of alternatives, and the selection of a recommended plan. These principles should be applied during implementation studies, where applicable. To expect that every principle will be performed for every study regardless of the purpose of the study is inappropriate. The statement in the document that all federal water resources implementation studies shall perform every principle should be revised. For example, there may be no safety concerns for a project developed primarily for environmental restoration. In addition, many of the principles are not widely accepted water resources principles at all but rather items for consideration during the planning process. While not essential principles, they are important considerations that should be dealt with and could result in the development of additional alternatives or modifications to plans developed to maximize national economic, environmental, and social benefits.

The Draft states the policy of the United States that all Federal water resources implementation studies shall perform a list of 13 items, labeled A through M. Item A states that all implementation studies shall protect and restore ecosystems and the environment while encouraging sustainable economic development. First, studies do not protect and restore; the projects that result from studies do that. Secondly, all implementation studies will not result in projects that restore ecosystems and the environment. If that is the intent of this wording, then ASBPA strongly objects to only allowing studies for environmental projects. We consider economic development to be equally important. Item A, as currently written, also gives priority to the environment over economic development. An additional item of improving the economic well-being of the Nation while encouraging protection and restoration of the environment should be added in order to give equal consideration to economic development projects.

While the document indicates that all Federal water resources implementation studies shall perform all thirteen listed things, some of the items are inappropriate for certain study purposes. A solution may be to develop items by purpose or modify the wording to indicate that the items should be performed where appropriate.

For many of the thirteen tasks on the list, there is currently no acceptable technique or methodology developed for including them. It is difficult to concur in the appropriateness of including those items prior to the development of the guidelines and procedures. Currently they should be listed as concerns for consideration without mandating inclusion. These items include ecosystem services, public safety, climate change, full transparency, and environmental justice.

Item C states that all implementation studies shall avoid the unwise use of floodplains, flood-prone areas, and other ecologically valuable areas. This statement implies avoidance at any cost. There are many situations where development in floodplains and other ecologically valuable areas may be desirable and appropriate. It is inappropriate to restrict viable alternatives by applying this avoidance principle. By including all viable alternatives, comparisons and judgments can be made in selecting the recommended plan. We recommend that avoidance of floodplains should not be mandated but rather applied as a valid principle for consideration in the comparison of alternatives during the planning process.

2. Overview of Planning Process.

The overview of the planning process discusses steps in the planning process but does not identify how the process should be performed. It should be stated whether the process identifies all economic development, environmental protection and restoration, and social incremental additions to alternative plans; or focuses primarily on economic development with incremental additions for environmental protection and restoration and social improvements; or focuses primarily on environmental protection and restoration with incremental additions of economic development and social improvements; or economic development and environmental protection and restoration at the same time. Specific wording on the process would go a long way toward eliminating the confusion now inherent in this document. The overview of the planning process should generally describe how the new Principles and Standards are to be applied in arriving at a recommended plan. The document states that the plan that provides the greatest net overall contribution to the National Water Resources Planning Objectives (considering both monetary and non-monetary effects) should be selected and recommended. This will not just happen by identifying all beneficial effects and attempting to maximize incompatible monetary and non-monetary benefits. Without a process for how to meet the National Objective, the Principles and Standards as presently written are of limited value. Key decisions must be made and further direction provided to make it workable.

Item A indicates that the first step in the planning process shall include identifying the study objectives and ensuring that Federal participation in the study is warranted based on the likelihood of fulfilling the National water resources planning objectives. Traditionally the first step has been to identify the water resources related problems, needs, and opportunities. Once the problems and needs are identified, then study objectives can be identified and the National Objective can be applied.

The National Objective stated in this document, of maximizing the combination of economic, environmental, and social benefits, is appropriate, in theory, for combination plans. As stated previously, the problem is in the comparison of incompatible outputs. Since many plans do not

have components that provide benefits to all three benefit categories, those plans will no longer be considered for Federal participation based on the strict application of the National Objective statement in this document. If the National Objective means maximizing the combination only when all categories of benefits are identified, that should be stated unambiguously.

Item E indicates that the major steps in the planning process shall include the evaluation of the potential effects of all reasonable and viable alternatives. Potential effects should not be evaluated, as stated, but rather the most likely impacts of each alternative. Sensitivity analysis can be performed to clarify effects for impacts that are uncertain. Analyzing all potential effects would be a waste of study resources. We recommend a continuation of the traditional approach of evaluating the most likely impacts of each alternative and applying sensitivity analysis where needed.

As part of the planning process, it should be explained how the National Objective or objectives, the principles, the standards, and the guidelines are different and how they will work together to guide plan formulation and decisions. There are not even definitions for any of these key categories in the glossary. Also, the document includes the same items as principles in Chapter I and as standards in Chapter II. ASBPA recommends that the differences between these key categories be fully explained in the document.

3. Planning Guidelines and Procedures.

The Water Resources Council has not been staffed or operational since the 1980s. Is the intent of the Administration to fund and staff the council? Discussion should be provided in this paragraph concerning the plans for the Council and how it will function. If this means participation by the member federal agencies and their staffs, this paragraph should explain that plan.

Chapter II – Planning Standards

1. Implementation Studies, A.

One of the significant items in the cover letter that transmitted the Draft is that the Administration is expanding the scope of the Principles and Guidelines to cover all federal agencies that undertake water resources projects. However, the specific agencies covered are the same agencies that have always been covered and non-federal entities are exempt. Given the specific agencies that are identified, the document invites the criticism of being “business as usual” instead of an expansion to all federal agencies as claimed in the cover letter. Chapter I on Planning Principles discusses both quality and quantity of water resources and water quality is also mentioned in other parts of the document. It is recommended that since water resources projects include water quality considerations, EPA also be included as a specific agency covered by these National objectives, principles, and standards. Certainly the principles of identifying problems, needs, and opportunities as well as formulating and evaluating alternatives are appropriate. In addition, applying trade-off analysis and the justification of last added increments based on incremental costs and benefits would be appropriate. This could improve

the investment of scarce federal resources and result in a meaningful change by the Administration. In addition, ASBPA believes that water related projects by other federal agencies such as the Small Business Administration, the Fish and Wildlife Service, the Federal Emergency Management Agency, and others could also benefit by applying these principles to their planning processes. The principles and standards have been developed to ensure proper, consistent, and transparent planning in the formulation, evaluation, and selection of proposed federal projects. These purposes are certainly applicable to all of the above federal agencies.

1. Implementation Studies, B.

It is stated that Principles and Standards do not apply to routine project operations, basic maintenance and minor repairs, or watershed plans, or regulatory activities. Given the emphasis on watershed planning in this document, it is inconsistent to exempt watershed plans from application of Principles and Standards. The Principles and Standards should apply to all water resources planning from watersheds to site specific planning.

2. Planning Standards.

The planning standards in the document are the same as the planning principles. The expectation is that standards should be consistent with the principles but identify measurable outputs or ways of trying to meet those standards. Identifying the planning process, formulation rules, evaluation techniques, and procedures would all assist in application of the principles. We recommend that the document be revised to clearly differentiate between planning principles and planning standards. Possibly the intent of the document was not to label the principles as standards but rather identify in the discussions ways to meet the principles. In that case it should have been explained that way.

One of the most important long-established planning standards is missing from the long list of A-M standards. That standard is to “contribute to national economic development consistent with protecting the Nation’s environment”.

A. Protect and Restore Natural Ecosystems and the Environment while Encouraging Sustainable Economic Development

It is stated that federal water resources implementation studies shall seek to protect and restore natural ecosystems and the environment. This is not the work of studies; this is the work of projects. It is further stated that economic and environmental outputs are inextricably linked and both must be considered if the desired outputs are to be sustained. This also needs to be reworded as consideration does not sustain outputs but rather projects.

The document discusses determining both economic and environmental outputs in accordance with the National Objectives. The National Objective includes social outputs which are not included in the discussion. Once again, there is confusion regarding the National Objective and whether planning is for individual purposes, two purposes, or includes social. More explicit direction is needed.

B. Account for Ecosystem Services

We are concerned that the evaluation recommended in the document of disease regulation, pollination and disease, pest, and climate control in a project specific setting could be both subjective and difficult to measure. Even if limited study resources identified an impact, valuation would be problematic. Where not expected to be nationally significant or have an impact on project formulation, these evaluations should not be performed. The same concern relates to determining intrinsic natural value. The potential project is unlikely to have a nationally significant incremental impact on intrinsic natural values such as biodiversity. If intrinsic natural values are impacted, measurement of the value of the impact may be extremely difficult.

It is stated that ecosystem processes and functions describe biophysical relationships that have value regardless of whether humans recognize the benefits. If humans do not recognize the benefits, having humans place a value on them may be extremely difficult. This statement should be reworded or deleted. The discussion on this item is deep into the weeds and inconsistent with the coverage on other items. We suggest making it more consistent and including the finer details, if appropriate, in the guidelines yet to be developed.

C. Avoid the Unwise Use of Floodplains and Flood-prone Areas.

The term “unwise use” is subjective and the use of the term “avoid” is too restrictive. The term “avoid the unwise use” pertains to a future decision. However, the discussion in the document also relates to the application of non-structural alternatives and the formulation of project alternatives. This entire discussion presumes that use of the floodplains creates only negative environmental impacts. It appears to be intended to discourage the consideration of structural approaches in solving water resources problems. It completely ignores the economic advantages of location in floodplains and the desired alternatives of the non-federal cost sharing sponsor. It also ignores that the location advantages of the floodplain may result in shorter commuting distances, reduce urban sprawl into prime agricultural lands, and reduce pollution. The accepted formulation criteria of maximization of net benefits should be applied rather than an arbitrary standard. Unwise use of floodplains is an appropriate consideration where development has not occurred. However, the expectation of going into developed areas and preserving or restoring the hydrologic and natural functions, and removing high-valued properties and critical infrastructure is naïve and will not result in a comprehensive solution. This does not mean that there are not some nonstructural opportunities. However, non-structural solutions are not applicable in all instances. In addition, higher levels of protection should be considered where to do otherwise could result in catastrophic consequences.

D. Utilize Watershed and Ecosystem Based Approaches.

ASBPA believes that watershed planning and systems planning are extremely valuable approaches. They are appropriate when there are potential watershed or systems issues and needs and possible systems impacts that could be caused by a potential project. We do not believe that all studies should require that magnitude of study unless the planners find it appropriate. There should be an evaluation of potential cost and expected value added before

making a decision on applying watershed and ecosystem based approaches to a new implementation study. Much of the rest of the wording in this item, such as the discussion on ecosystem-based management, special or geographic integration, and information needs is inconsistent with the intent of identifying general planning standards. It is also too detailed and should be considered for inclusion in the guidelines or procedures where appropriate.

E. Utilize Best Available Science, Practices, Analytical Techniques, Procedures and Tools.

The use of the term “best available” is always a concern. There are not unlimited resources, and “best” often implies an unrealistic standard. The term “best available” science, practices, and analytical techniques will also be contentious with many people having differing opinions. Every new technique would have to be evaluated and compared to current practices which may be adequate based on the study requirements. New techniques are valuable when current techniques need improvement. This best standard is too restrictive and should be revised. Planners have to make judgments concerning the best use of study resources based on the task at hand. If spending more study resources is not expected to change the formulation of a project, then possibly those resources could be better spent somewhere else. All planning disciplines must make judgments in their area of expertise regarding the value of more precise answers and using best available science. Item F, which concerns level of detail for implementation studies, is related to this item and does recognize that level of detail should not be greater than needed.

The document indicates that the data used shall be the best available. In addition it states that no data over five years old shall be used to portray existing and future conditions unless the data are clearly shown to remain valid and representative of current conditions or unless no other data are available or can be reasonably developed. First of all, the best available data may be too expensive given an analysis of the value added. In addition, setting a best available data standard is problematic. There will always be controversy about what the best data are and whether new data are superior. Secondly, the arbitrary standard that declares data over five years old should not be used is troublesome. Fortunately, rationale for deviation from this standard is provided. However, we recommend not setting any arbitrary standard that 5-year old data are too old. It depends on the situation, and planners must be prepared to support their decisions.

H. Account for Significant Effects and Mitigate Unavoidable Impacts to Ecosystem services.

The discussions under this item that each alternative shall include mitigation in coordination with responsible natural resource management authorities and determined to be appropriate by the decision maker contradicts the earlier standard identified in this document that requires full mitigation.

I. Address Risk and Uncertainty, Including the Effects of Climate Change and Future Development.

In a number of areas in this document, it is stated that climate change shall be addressed. While most scientists present compelling evidence that climate change is occurring, there is not universal agreement by scientists regarding its future effects. Good science should dictate how climate change is dealt with in implementation studies. Some climate change model assumptions are being questioned, so care should be taken to use only accepted procedures.

It is stated that adaptive management measures should also be evaluated as part of the alternative in order to further reduce uncertainty. Adaptive management does not reduce uncertainty. Adaptive management may reduce adverse consequences due to the uncertainty.

There is no discussion included under this item on future development as indicated in the title.

J. Incorporate Public Safety.

It is stated that alternative solutions, including structural and non-structural elements, must avoid, reduce, and mitigate the risks of threats to people from natural events to the extent practicable. Incorporation of public safety criteria into the analysis and evaluation of water resources projects is extremely important to ASBPA. Risk of threats to people are usually lessened by reducing damages to structures or encouraging evacuation of people from areas prior to storm events. ASBPA would like to see planning techniques and evaluation procedures developed to ensure that public safety receives a greater emphasis. We recognize that there are currently no acceptable procedures for valuing or measuring risk of threats to people. The document should provide more specifics on how incorporating public safety in the maximization of net benefits will occur and how risk of threats to people will be measured.

K. Ensure Environmental Justice for Low Income, Tribal and Minority Communities.

The document states that evaluation methods shall eliminate any biases in analyzing projects affecting low-income communities by fully reflecting the benefits and costs of alternatives to low-income communities. This statement presumes that biases currently exist and that they can be solved by fully reflecting the benefits and costs. We do not understand the logic of that statement and would suggest rewording. In addition, while environmental justice is a valid concern, national planning principles and standards should not be violated to compensate for

potential impacts. When problems are identified, there should be criteria developed for identification of where special treatment is needed. Guidelines and procedures should be developed to identify qualifying situations with disproportionate adverse effects on low income or minority communities. Rules for identification of qualified areas and special considerations for those areas should be developed. To adjust the basic principles and standards is not appropriate or recommended. Environmental justice can be considered as it relates to water resources projects. However, it is not the best way of dealing with the environment overall.

3. Overview of the Planning Process.

The step by step planning process identified in this section of Chapter II is not consistent with the planning process discussion in Chapter I. They should be brought into congruence. We generally concur with the planning process steps discussed in Chapter II.

Many of the identified planning steps in this document refer to requirements described in CEQ's National Environmental Policy Act (NEPA) regulations. This should be a stand alone document and the requirements referred to in NEPA regulations should be fully described in this document where it is appropriate to do so. There is no need to indicate where certain steps correspond to the requirements in NEPA.

D. Determine Existing and Future Conditions.

It is stated in the document that the most likely without-plan future condition is synonymous with "No Action" as used in NEPA and the CEQ NEPA regulations. It is extremely important to avoid confusion on what "no action" means. Even though "No Action" is properly defined in the glossary, it would be valuable to also include the definition in the discussions under this item. "No Action" for many means status quo, yet that is not the definition.

H. Formulate Alternatives.

Item (2). It is stated that at least one alternative with nonstructural measures shall be formulated and identified as the primary nonstructural alternative. We agree that nonstructural measures should receive consideration. However, in many cases nonstructural solutions are not viable or desired. Limited study resources should not be spent evaluating alternatives that will not be recommended. We believe that for shore protection projects especially, the requirement to evaluate and include a primary nonstructural alternative is inappropriate. Applying the requirement to identify a primary nonstructural plan for the Comprehensive Everglades Restoration Plan would also be a waste of study resources. The Everglades Plan utilizes structural measures to restore natural hydrograph characteristics to restore a desired ecological state. Identifying and reporting a primarily nonstructural plan for the Everglades would be problematic.

Item (3). It is stated that all alternatives shall be formulated to fulfill the following criteria: completeness, effectiveness, efficiency, and acceptability. This deviates from the current requirement of "consideration" of these criteria. Rather than considering how each alternative meets these criteria, the requirement to formulate alternatives to "fulfill" these criteria elevates

their status to National Objectives. Standards will need to be developed to identify how to measure the fulfillment of these criteria. The definition of efficiency in the glossary is the extent to which an alternative alleviates the specified problems and realizes the specified opportunities at the least cost. An alternative formulated to fulfill efficiency would probably not be consistent with maximizing net economic, environmental, and social benefits which is the National Objective. In addition, the definitions of three of these criteria in the glossary refer to the extent to which an alternative does certain things rather than fulfill. We believe that formulation to fulfill the criteria is inappropriate and recommend that the document be revised to “consider”, and not “fulfill”, these criteria. This would result in closer consistency with the glossary definitions.

I. Evaluate the Potential Effects of the Alternatives.

It is stated that each alternative shall be evaluated for its effectiveness, completeness, accountability, and efficiency in contributing to the National and other study objectives. This is inconsistent with the requirement in item H. above to formulate to fulfill these criteria.

Item (2). It is stated that for quantified effects that are not monetized, metrics that allow comparisons and tradeoffs to be made evident should be utilized. This is easy to say but we definitely need further guidance and discussion. There are no metrics that we are aware of that allow comparisons and tradeoffs between monetized and non-monetized benefits.

Item (4). The document indicates that the results of the evaluations should be reported under the monetary effects category or under the non-monetary effects category. The monetary effects category is further divided into a national economic subcategory and a regional economic subcategory. Under the monetary effects category wording it states that it can include methods for monetizing non-market goods and services such as ecosystem services and other social effects. If including methods for monetizing non-market goods means including the monetized value for non-market goods, we have a concern. The monetized environmental and social benefits must be divided between the national economic subcategory and the regional economic subcategory. There appears to be no recognition that monetized non-market goods and services must be placed in the appropriate subcategory once they are monetized. For instance, presuming the non-market outputs can be monetized, if project improvements result in a shift of fauna from one region to another, that value would be assigned to the regional benefit subcategory. If project improvements result in increased habitat area that results in a net increase in certain species then that value would be assigned to the national benefit subcategory.

Item (5). The document states that alternatives shall be evaluated for their degree of integration with and contribution to established federal, state, tribal, and other local watershed plans. While it is appropriate to take advantage of information in other watershed plans, expecting water resources planners to evaluate the degree of integration of those plans with all alternatives considered for recommendation is excessive, wasteful, and of limited value. The federal plans must meet the National Objective, not plans of others. However the alternatives can consider other information in the formulation. It is not known how to evaluate the “degree of integration” and what purpose the results of that evaluation would serve. This requirement is excessive and should be deleted.

Item (10). It is stated in the document that all monetary values shall be converted to a common time basis and that costs and benefits shall be presented as average annual equivalent values. It also states that costs and benefits shall be discounted using rates prescribed by law or executive order. First, we are not aware of an executive order that specifies the discount rate. Its determination is established by legislation. More importantly, we are concerned that the document specifies that only monetary values are required to be converted to a common time basis. Non-monetary benefits should also be converted by discounting in order to be compatible with monetary benefits before identifying the overall project net benefits. In addition, while the conversion of costs and benefits to average annual equivalent values is concurred in, reporting estimated benefits and costs over the period of analysis should also occur. When comparing alternatives and making investment decisions, it is important to understand the expected time frame for when costs will be incurred and benefits will be realized. Projects that are justified based on existing benefits are typically less risky investments than projects that depend heavily on future benefits.

J. Compare and Screen Alternatives.

Item (1). The document states that alternatives shall be compared and, based on the differences in effects as determined in the evaluation phase, either selected for further analysis or selected as the recommended plan for approval and implementation. This statement presumes all alternatives will either be further analyzed or selected as the recommended plan. Another option is to eliminate alternatives from further consideration. At this point in the analysis, only the alternatives that make the cut are analyzed further. After further detailed analyses, then the recommended plan is selected. Eliminating alternatives during the planning process is the main purpose of the screening process.

It is stated in the document that alternatives are considered potentially viable if they fulfill all of the following criteria: completeness; effectiveness; efficiency; and acceptability. In addition it is stated that only potentially viable alternatives shall be carried through screening and selection steps. This implies that alternatives may be included that are not feasible, if they fulfill the above identified criteria. Does this document include the standard requirement of project feasibility? If the answer is no, this would be inconsistent with legislative directives. It is also not clear whether other alternatives that do not fulfill the above criteria can also be included as viable alternatives. There is no definition in the glossary of “viable” to assist in avoiding the confusion. If viable means only those alternatives that fulfill the criteria of completeness, effectiveness, efficiency, and acceptability are considered viable, this is a monumental change in water resources project formulation that is inconsistent with established principles. Hopefully it is not meant to be a constraint since the document previously indicated alternatives should be evaluated for those criteria. If the intent is that only alternatives that fulfill the criteria of completeness, effectiveness, efficiency, and acceptability may be evaluated, compared, and potentially selected as the recommended plan then ASBPA strongly disagrees with this new principle. The document should be reworded in this area to avoid confusion and clearly identify the true meaning.

Item (2). It is stated in the document that as a minimum, the final array of alternatives shall include the “No Action” alternative, the primarily nonstructural alternative, and the environmentally preferable alternative. There is no mention of the plan that meets the National Objective for water resources planning. That objective was to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits. The plan that maximizes net benefits should also be required in the final array of alternatives especially since in **K. Recommend a Plan**, the document states that the decision maker shall recommend the alternative for implementation that provides the greatest net combined contribution to the National Objectives. The National Economic Development (NED) plan should also be included for comparison purposes.

Always including a primarily nonstructural alternative violates the National Objective requirement and wastes study resources. We believe that nonstructural measures should be considered but not required in the final array of alternatives.

K. Recommend a Plan.

It is stated that the decision maker shall recommend the alternative for implementation that provides the greatest net combined contribution to the National Objectives. The National Objective identified earlier is to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits. Therefore, combining the above statements, the decision maker shall recommend the alternative for implementation that provides the greatest net combined contribution to maximize net national economic, environmental, and social benefits. Rewording is suggested. Basically, the decision maker shall recommend the alternative with the greatest net combined benefits. As stated earlier, without comparable measures of value, there are no universally acceptable methodologies to maximize for all these benefits.

Item (1) (a). It is stated in the document that the recommended plan must provide combined beneficial effects for the Nation that outweigh the combined adverse effects considering all significant monetary and non-monetary impacts, both quantified and unquantified. Basically, the recommended plan must be feasible with benefits exceeding costs. There are no universally acceptable methodologies to measure the quantified and unquantified adverse effects and beneficial effects on a comparable basis and then to demonstrate that the combined beneficial effects outweigh the combined adverse effects. While philosophically logical, establishing a requirement that cannot be met is inappropriate. Rules governing project selection are extremely important and must be understood by non-federal sponsors and attainable by water resources planners.

Item (1) (b). The document indicates that if the recommended plan is not a primarily non-structural alternative the decision maker must explicitly address the reasons why these objectives are not reasonably achievable. The decision maker should not have to address reasons why a non-structural alternative is not the recommended plan. If the alternative with the greatest net combined benefits is selected, additional resources should not be spent to explain why a lesser valued plan is not selected.

Item (1) (c). It is stated that the recommended plan must not preclude other non-federal plans that would likely be undertaken in the absence of the federal plan. Many times severe problems or opportunities exist where non-federal sponsors take action prior to when a federal project can be completed. Sometimes they will dredge a channel on their own prior to approval of federal dredging and sometimes they will take action to protect themselves from storms prior to construction of a federal project. We strongly believe that non-federal sponsors should not have to jeopardize the opportunity for a federal project by being proactive in taking some action until a federal project can be in place.

Glossary.

It is stated in the definition of acceptability that it does not include local or regional preferences for particular solutions or political expediency. This statement should be deleted from the definition.

Adaptive management does not reduce uncertainty but rather but can lessen the impacts of uncertainty.

Efficiency does not just mean least cost but also the highest benefit-cost ratio.

The definition for structural measures is primarily related to flood control. The definition should be more generic to cover all project purposes.

Objectives, principles, standards, and guidelines should all be defined.

Key stakeholders should be defined.

Restore is defined as returning to a less degraded state. Restore should be more fully defined to include restore in the context of environmental restoration. Incremental improvements to a minimally “less degraded state” should not be considered restored. An alternative would be to define environmental restoration separately.

Sustainable economic development should be defined.

Viable alternatives should be defined. In the context of this document, potentially viable alternatives are those that fulfill all of the following criteria: completeness; effectiveness; efficiency; and acceptability. This is different than the traditional use of the term “viable”.

Summary

The objective of the American Shore & Beach Preservation Association in our review of the Draft document titled “Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies” (Draft) is to insure that the proposed revisions to the existing Principles and Guidelines are sound, balanced, and can be implemented in the formulation of water resources projects. This document falls short of that objective. Therefore,

ASBPA recommends that CEQ recall this document and revise it prior to wasting resources at the National Academy of Sciences to review the Draft in its present condition. We further recommend that additional experienced water resources planners be retained to assist in that endeavor to insure that proven methods and technologies are not supplanted by untested polemics that owe more to fantasy than to practice.

It appears that the Administration has misconstrued the Congressional call in the Water Resources Development Act of 2007 for a revision to the Corps of Engineers' Principles and Guidelines. The Draft represents a dramatic and unbalanced shift in emphasis in the water resources planning process to an environmental agenda at the expense of economic development. The document is not well written and contains many contradictory and confusing statements. It ignores navigation standards, shortchanges public safety specifics, and muddles the credibility of the document by minimizing or ignoring lessons learned and water resources principles, standards, guidelines, and policies developed over the past 50 years.

We are concerned that some of the principles, standards, and objectives that have been stated in this document require techniques or procedures that are currently beyond the state of the art. An example is the proposed objective to maximize monetary and non-monetary benefits at the same time. This maximization is not possible when some of the benefits have different measures of value. Without comparable measures of value, there are no universally acceptable methodologies, nor have any new ones been offered in the Draft, to maximize all these benefits at the same time. Forcing professional water resources planners to simultaneously maximize a suite of benefits that cannot be compared with each other invites contentious debates and could empower those who desire to paralyze progress through delay and litigation. Given the glaring faults of this Draft, ASBPA calls on the Administration to withdraw the Draft so that it can be revised, without political interference, by those with more water resources planning experience.