

United States Senate

WASHINGTON, DC 20510

November 17, 2009

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

Dear Chairwoman Sutley:

To ensure that federal water resources planning will meet the needs and challenges of the 21st Century, Congress established a new national water policy in the Water Resources Development Act (WRDA) of 2007. To implement this policy, Congress also directed the modernization of the Economic and Environmental Principles and Guidelines (P&G) utilized by the U.S. Army Corps of Engineers.

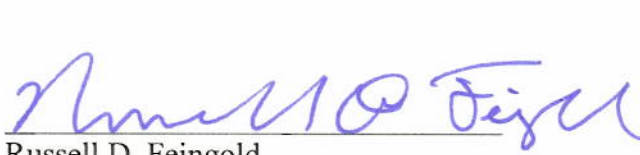
All of the nation's water resources projects now must: (1) seek to maximize sustainable economic development; (2) seek to avoid the unwise use of floodplains and flood-prone areas and to minimize adverse impacts and vulnerabilities where such areas must be used; and (3) protect and restore the functions of natural systems and mitigate any unavoidable damage to those systems. Proper implementation of this policy will fundamentally transform the work of the Corps of Engineers.

Congress established a new framework for the P&Gs to ensure water resources projects meet the Nation's needs. This comprehensive new policy requires changes to ensure that the water resources planning process promotes sustainable economic development, protects floodplains and natural systems, and reduces risk and vulnerability. As a result, we were concerned that the most recent publicly proposed revisions to the P&G, released in September 2008, did not reflect the clear mandate provided by Congress in WRDA 2007.

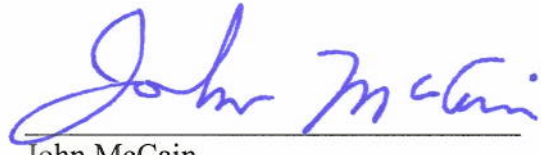
As the Council on Environmental Quality works to modernize the P&G, we ask you to ensure that any new P&G sets forth clear and compulsory policies that guide the Corps of Engineers as they plan and construct water resources projects. Among these should be clear directives to avoid adverse environmental impacts to the maximum extent possible, along with specific requirements that ensure compliance. For example, a clear requirement to first consider and utilize non-structural and restoration approaches to solving water problems, where practicable, would provide the type of direction needed to preserve the natural systems that can protect communities facing catastrophic flooding, droughts, and sea level rise caused by climate change.

Again, we urge you to fully implement the new water policy and to develop P&Gs that reflect the principles established by Congress. We look forward to working with you to fundamentally transform the nation's water resources planning process for the benefit of the environment and the American taxpayer. Please do not hesitate to contact us or our staff for additional information or clarification.


Sincerely,



Russell D. Feingold
U.S. Senator



John McCain
U.S. Senator



cc: Assistant Secretary of the Army (Civil Works), Jo-Ellen Darcy
Secretary of the Interior, Ken Salazar
Administrator of the Environmental Protection Agency, Lisa P. Jackson
Director of the U.S. Fish and Wildlife Service, Sam D. Hamilton
Administrator of the National Oceanic and Atmospheric Administration, Dr. Jane
Lubchenco
Commissioner of the Bureau of Reclamation, Michael L. Connor
President and CEO of Tennessee Valley Authority, Tom Kilgore