



WESTERN STATES WATER COUNCIL

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Position #315

July 17, 2009

The Honorable James L. Oberstar, Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John L. Mica, Ranking Member  
Committee on Transportation and Infrastructure  
2163 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Oberstar and Ranking Member Mica:

On behalf of the Western States Water Council, representing the governors of eighteen western states, I am writing to express our deep concern regarding draft legislation circulating under the title of the Sustainable Watershed Planning Act. We very much appreciate the opportunity to comment on the draft proposed bill in advance of its introduction.

We understand that the intent of the draft Sustainable Watershed Planning Act may be to require federal agencies to engage in greater collaboration with each other, States, and other governmental and non-governmental entities – thereby reducing inefficiency, redundancy and conflicting mandates. Nevertheless, we feel strongly that the draft bill is based on a top-down policy paradigm that has more often than not proved unworkable in the past. It closely parallels the old Water Resources Council established under the Water Resources Planning Act of 1965. Not coincidentally, the Western States Water Council was organized that same year to ensure States maintained a strong voice in the development and management of their water resources.

As you may know, as recommended in the Western Governors' Association's 2008 report, *Water Needs and Strategies for a Sustainable Future: Next Steps*, nine federal agencies have entered into a formal agreement with the Western States Water Council to create a Western States Federal Agency Support Team (WestFAST). WestFAST is made up of representatives of federal agencies with water resources responsibilities, and four of those agencies have agreed to provide financial support for a federal liaison position located in our office to better facilitate collaboration. WestFAST is a new and innovative attempt to promote the type of collaborative planning envisioned in the draft legislation, but with a focus on State identified problems and priorities. Though new, we believe it can be a model example of appropriate collaboration in other parts of the country.

We strongly suggest as outlined below in excerpts from the WGA 2008 Water Report, which the Governors approved, that State and local water and watershed plans and planning processes are the most appropriate building blocks for any federal or national water plan. Federal agencies should respect and assist state and local governments with their planning. However, federal agencies cannot and should not try to dictate planning criteria and policies. Experience has taught us that "one size doesn't fit all."

The foreword to the 2008 WGA Water Report emphasizes that: "States have the pivotal role in water planning, as well as allocating and protecting the resource.... To support the state leadership role, the federal government should help by providing a rational federal regulatory framework, together with

technical and appropriate financial assistance.” It continues, saying that it is “paramount to move state and local government participation back into the process of federal decisionmaking, before too much momentum has been built toward policy decisions.”

Moreover, “Developing optimal solutions to the challenges...will require an integrated approach and greater partnerships among state, local and federal agencies. This approach should consider all needs together, develop effective solutions which are complementary rather than conflicting, and provide direction for selecting the most appropriate governmental entities or organizations for implementing solutions.”

One of the highlighted recommendations from the report declares: “The WGA should urge Congress to require federal water resource agencies to include ‘Integrated Water Resources Planning and Assistance’ as one of their primary missions.” The goal should be to encourage more comprehensive plans developed under state leadership with federal assistance, and reduce “inefficiencies caused by project-specific responses to competing demands, contradictory actions by multiple state, local and federal agencies, and hastily conceived reactions to the latest real or perceived crisis.”

Another highlighted recommendation is that “Federal agencies should use state water plans: (a) to help determine national water policy and priorities that best align federal agency support to states; and (b) to inform decision making regarding regional water issues.”

We hope that you will carefully reconsider acting on the draft legislation and continue to explore alternative approaches. We do not believe the proposed Council on Sustainable Watershed Management and the Regional Planning Boards are the best way to work together with myriad other state and interstate planning commissions, boards and watershed groups. We would suggest you look at the recently enacted Cooperative Watershed Planning Act which our Council supports. We would also hope you would look at the WSWC/WestFAST partnership as a better way to focus federal support on state priorities.

Again, thank you for the opportunity to comment and for your interest in the most efficient means to accomplish effective water resources planning and management.

Sincerely,



Garland Erbele, Chairman  
Western States Water Council