

Direction of Federal Water Policy

We are proud of Texas for many reasons—its strong economy during time of recession, its proactive planning for the future growth that will happen, and its regard for sustaining and protecting the environment for future generations of Texans to enjoy. However, the TWCA is concerned that several recent Federal policy and legislative proposals seriously threaten to Texas’ authority to build its future water resources infrastructure.

Due to potential loss in State primacy to oversee Texas water resources management, we call upon our Texas Delegation to demand that these Federal proposals provide balance in protecting the environment while continuing to maintain Texas’ primacy to control water resources management and build its water infrastructure for the future. As evidenced by Texas Legislative efforts calling for flow criteria for Texas rivers to protect in-stream habitats at a time when municipal, industrial, irrigation, energy and other water demands are exceeding currently available supplies, Texas recognizes and has experienced the challenges of properly balancing water infrastructure and water use with sustaining a healthy environment. Federal policies and legislation that would establish a preference for non-structural measures as opposed to environmentally sound construction projects with net positive benefits, or those that would arbitrarily alter the scale to dictate preference for ecological considerations over a balanced consideration for human and economic uses, will hinder Texas water resource management and should be opposed.



Texas is better prepared, equipped and organized to manage these challenges than any Federal counterpart. Since the severe droughts of the 1950s, there is a long history of partnership in Texas water resources—Federal, State, and local agencies working together; the recent Federal proposals will endanger this partnership. Texas will benefit from technical, financial, and other supporting roles from our federal government, but Texas should and must maintain the leadership role.

- ◆ **SUPPORT:** And help maintain the primacy of Texas state and local decisions regarding final water resources management, including planning for future water needs, while recognizing the legitimate role of the federal government .
- ◆ **SUPPORT:** Transparency, principally with the Council on Environmental Quality (CEQ), in its pending revisions to the Principles & Guidelines and the Floodplain Executive Order (EO 11988).
- ◆ **SUPPORT:** Balance future decisions related to water on ecological considerations and human/economic uses.
- ◆ **SUPPORT:** A ‘net benefits’ approach in Federal water resources decision-making as opposed to a built-in, or mandated, bias toward non-structural solutions; thus, allowing for consideration of structural as well as non-structural solutions.
- ◆ **SUPPORT:** Texas receiving its fair share of Federal funding, including the Corps of Engineers, Bureau of Reclamation, EPA, and other water-related Federal funding.

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BACKGROUND

It's now official. Texas is the fastest growing State in the Union. Texas will add four new members to its Congressional delegation after the 2010 census, by far the most of any state. This means that there will be 36 Texas House Members plus our two Senators.

Whether one focuses on population growth, a growing economy, growth of the Congressional delegation and its subsequent increase in power, or any other measure, it is clear that Texas will be a leader in the 21st century. However, as our friends in California have so clearly shown us, a state cannot prosper, and Texas cannot lead, without safe, adequate, and assured water resources.

CONCERNS AND REQUESTS

Through legislative and policy proposals, the Federal government is engaged in a massive revision to Federal water resources policy. Federal water policy changes are being proposed, largely through the Council on Environmental Quality (CEQ). Most prominently, these changes are centered on the re-draft of the Principles & Guidelines, extending its outreach to all Federal agencies, and on the re-issuing of the Floodplain Management Executive Order (EO 11988). On the legislative front, the Clean Water Restoration Act, as proposed in S. 787, will expand Federal jurisdiction to all waters of the United States, and the Sustainable Watershed Planning Act, currently a draft bill, would create Federal czar with controls over all water resources programs, a new Federal water resources council, and Federally-dominated regional planning boards.



After considering these various and seemingly independent proposals, TWCA has recognized an alarming synergy that would take place if these measures are adopted in tandem. The combined effect would be an expansion of Federal control over Texas primacy for and control over its water resources. Dictating non-structural alternatives and asserting environmental primacy in decision-making by Federal agencies would upset the current balance of economic and environmental interests.

This change in the direction of Federal water policy has the potential to adversely impact Texas at the very moment when it is trying to move forward to provide for a growing population and take advantage of opportunities that will better the lives of its citizens. TWCA asks for your support in opening the dialogue with both the CEQ and with the appropriate members of Congress so that Texas' voice is heard.