



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member

Paul J. Sass
Republican Staff Director

February 10, 2022

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil
Works
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
Executive Office of the President
730 Jackson Place NW
Washington, D.C. 20503

Dear Assistant Secretary Connor and Chair Mallory:

We urge your immediate action to finalize implementation of the “Principles and Requirements for Federal Investments in Water Resources” and the associated interagency guidelines for the U.S. Army Corps of Engineers (Corps).¹ In the *Water Resources Development Act of 2020*, Congress directed the Corps to issue final agency procedures necessary to implement the new Principles, Requirements, and Guidelines (PR&G).² Prompt implementation of the PR&G is essential to ensure the Corps maximizes sustainable development, promotes environmental justice, transparency, and meaningful engagement, and considers the full range of benefits for future water resources development projects.

In 2007, Congress recognized that the rules governing how federal agencies evaluate potential water resources development projects had become antiquated—focusing on an overly-narrow set of parameters to evaluate federal investments that made it difficult for federal agencies to address unique local water resource needs, or worse, precluded agencies from recommending project alternatives favored by local communities. In the *Water Resources Development Act of 2007*,³ Congress directed federal agencies, including the Corps, to update and modernize the 1983 Principles and Guidelines⁴, and specifically required that water resources projects maximize *sustainable* economic development, avoid the unwise use of floodplains, and protect and restore natural ecosystems, while ensuring the consideration of environmental justice concerns.

The Council on Environmental Quality (CEQ) led the comprehensive effort to modernize the guidelines, involving the full range of federal agencies engaged in water resources planning. CEQ

¹ See Updated Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies (<https://obamawhitehouse.archives.gov/administration/eop/ceq/initiatives/PandG>).

² P.L. 116-260, Division AA, Section 110.

³ P.L. 110-114, Section 2031.

⁴ See https://planning.erdc.dren.mil/toolbox/library/Guidance/Principles_Guidelines.pdf.

issued final “Principles and Requirements”⁵ for all federal investments in water infrastructure, as well as final “Interagency Guidelines”⁶ for implementing the updates. Both included public comment periods, incorporated stakeholder input, and utilized interagency collaboration. Together, these documents comprise the PR&G that was meant to replace the 1983 guidelines and constitute the framework for analyzing federal investments in water resources. With these efforts, CEQ incorporated a full-spectrum approach to projects and successfully aligned water investment policies across the federal government.

It is our understanding that every federal water resource agency, other than the Corps, has formally adopted the PR&G. In *WRDA 2020*, acknowledging that the Corps had still not implemented the PR&G into its missions, Congress included a provision that required the Secretary of the Army to issue final agency procedures to formally adopt the PR&G for the Corps. This legislation included a 180-day deadline for the issuance of these procedures, meaning they are now more than seven months late. We urge you to complete this work, now twice statutorily required, and implement these long-awaited updates.

The impacts of the PR&G are not as simple as “modernization” alone. These updates will allow the Corps to fully identify the national, regional, environmental, and societal benefits of future water resources development projects. They will promote better investment of federal funds by analyzing a broader range of long-term costs and benefits. The PR&G will increase community engagement and collaboration, leading to stronger local support and more desirable outcomes. They will also promote the consideration of climate change, extreme weather, and resiliency in studying and planning Corps projects. Project consideration will, in short, be far more inclusive and flexible.

Finalizing the PR&G is also a critical step to align the administration’s priorities with the Corps’ mission areas. They will ensure that federal dollars invested in water infrastructure are spent responsibly, and on projects that are designed for 21st century issues such as drought, floods, rising tides, and preserving our natural resources. Once implemented, the PR&G will allow the Corps to consider wider perspectives when evaluating projects, such as community risk, ability to pay, and long-standing environmental injustices. Full implementation of the PR&G will also help ensure that the important work of the Corps is accessible to all communities, ensuring that rural, Tribal, and economically-disadvantaged areas can benefit from the Corps’ expertise to address local water resource challenges.

As you know, the PR&G applies only to the Corps’ project and programmatic authorities and does not modify the Corps’ regulatory actions and authorities. Accordingly, implementation of the PR&G will have no impact on permitting timelines, consultation, or scope. Corps actions under the *Clean Water Act* and *Endangered Species Act*, for example, are outside of the scope of the PR&G. Thus, these changes can be incorporated without any concerns for project or permitting delays.

⁵ See *supra* note 1.

⁶ See *id.*

We must ensure that the historic investments in the Corps' water resources infrastructure being made through the *Infrastructure Investments and Jobs Act* and other critical funding programs are not formulated using a 1980's perspective. As this administration seeks to #BuildBackBetter, it is essential that you, finally, put in place the tools for water resources project development that are more comprehensive, more inclusive, and more economically, socially, and environmentally responsive to local needs.

Accordingly, we urge your immediate action to finalize implementation.

Sincerely,



PETER A. DEFAZIO
Chair
Committee on Transportation
and Infrastructure



GRACE NAPOLITANO
Chair
Subcommittee on Water
Resources and
Environment



JESÚS G. "CHUY" GARCÍA
Member of Congress

cc: Ms. Candice Vahlsing
Associate Director for Climate, Energy, Environment, and Science
Office of Management and Budget