



March 25, 2015

Mr. Horst Greczmiel
Associate Director for NEPA Oversight
White House Council on Environmental Quality
722 Jackson Place NW
Washington, DC 20503

Re: AMWA comments on Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews

Dear Mr. Greczmiel:

The Association of Metropolitan Water Agencies (AMWA) welcomes the opportunity to comment on the Council of Environmental Quality's *Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews* (79 FR 77802). AMWA represents the largest municipal drinking water systems in the nation. AMWA's membership serves more than 130 million Americans with safe drinking water. Member representatives to AMWA are the top managers and CEOs of these large water systems.

AMWA members are often applicants for or involved in projects that require NEPA reviews, such as those for water supply and delivery. In light of potential impacts of climate change on our water resources, it's important that policies and guidelines facilitate adaptation approaches including projects developed to address climate impacts. Our attached comments request clarification in the final guidance and make several recommendations, aimed at helping CEQ to meet its stated goal, which is shared by AMWA, i.e., improving the efficiency and consistency of NEPA reviews.

Thank you for the opportunity to comment. If there are any questions about the above comments, please contact Erica Brown, AMWA's Director of Sustainability and Climate Programs, at 202-331-2820 or brown@amwa.net.

Sincerely,

Diane VanDe Hei
Executive Director

BOARD OF DIRECTORS

PRESIDENT
Charles M. Murray
Fairfax Water

VICE PRESIDENT
Scott Potter
Nashville Metro Water
Services

TREASURER
Michael Wallis
East Bay Municipal
Utility District

SECRETARY
Mac Underwood
Birmingham Water
Works Board

John P. Sullivan
Boston Water & Sewer
Commission

Chuck Clarke
Cascade Water Alliance

David Modeer
Central Arizona Project

Irene Caminer
Chicago Department
of Water Management

James S. Lochhead
Denver Water Department

William Stowe
Des Moines Water Works

Sue McCormick
Detroit Water &
Sewerage Department

Jun Chang
Houston Public Utilities
Division

Douglas Yoder
Miami-Dade Water
& Sewer Department

Carrie Lewis
Milwaukee Water Works

Angela Licata
New York City DEP

Ron Lovan
Northern Kentucky Water
District

John Carman
Raleigh Public Utilities
Department

Steve Schneider
Saint Paul Regional
Water Services

John Entsminger
Southern Nevada Water
Authority

Julia J. Hunt
Trinity River Authority
of Texas

EXECUTIVE DIRECTOR
Diane VanDe Hei

Association of Metropolitan Water Agencies Comments on the Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews

General Comments

AMWA members are often applicants for or involved in projects that require NEPA reviews, such as those for water supply and delivery. In light of potential impacts of climate change on our water resources, it's important that policies and guidelines facilitate adaptation approaches including projects developed to address climate impacts. Utilities must balance the risk tradeoffs related to climate mitigation and adaptation strategies, recognizing that sometimes the tradeoff might result in a solution that is more energy (and by extension, GHG) intensive. In addition, the timeliness of the development of NEPA documents and the efficiency of NEPA reviews is important. Therefore, as the White House continues to take steps to modernize and reinvigorate NEPA, AMWA encourages CEQ to consider ways to streamline policies and permitting requirements, particularly when climate change resilience is a component of water resources projects. AMWA is concerned that the guidance in its current form may lead to further delays in the preparation of NEPA documents and subsequent reviews and therefore run counter to CEQ's stated goal that the guidance will improve the "efficiency and consistency of reviews" of proposed federal actions. Therefore, our comments aim to help CEQ clarify its intentions and improve the implementation of the guidance.

AMWA appreciates that the draft guidance allows for federal agencies and departments (hereafter, "agencies") to "determine whether and to what extent to prepare an analysis" of the effects of climate change on a proposed action based on the availability of information, usefulness of information and the extent of the anticipated environmental consequences (Draft page 5, *79 FR 77811*). AMWA also applauds CEQ's statement that federal agencies set forth "clear reasoning" for using credible scientific evidence in analyzing GHG emissions. AMWA agrees that agencies should continue to have discretion with regard to how to tailor their NEPA processes based on that agency's regulations and policies. Wherever possible, CEQ should provide examples in the final guidance to illustrate what is meant by the statement that documentation of an assessment of climate change effects should be proportional to the potential for impacts (Draft page 10, *79 FR 77813*).

AMWA urges CEQ to be more precise in its terminology in the final guidance document when delineating between climate change impacts and greenhouse gas emissions. Specifically, in some cases CEQ uses the phrase "climate change impact" to define greenhouse gas emissions for a project, and other times "climate change impact" is used to refer to impacts such as sea level rise or changes in precipitation patterns. This makes it difficult to read and understand the document. Examples of this are on pages 8 and 10 of the draft guidance (*79 FR 77813*).

For the past several years, AMWA members have been assessing climate impacts to water supplies and utility operations. There is great variability in the model projections for the impacts of climate change in the future in a specific region. This variability depends on the climate model used, downscaling methods used and also on the difference between moving from global-scale model projections to local scale impacts. For example, future climate projections for Colorado show both wetter and dryer climate conditions, depending on the model used. AMWA is concerned about using this information to make assumptions about or to pinpoint specific regional or local-scale impacts for NEPA analyses, in light of these uncertainties. AMWA asks that CEQ reinforce the importance for agencies to discuss their analyses in NEPA documents and specifically, articulate

what assumptions and judgments were made. AMWA also urges CEQ to include in the final guidance more information about the applied capabilities of climate models, projections and analysis tools. AMWA recognizes that under NEPA agencies have the discretion to scope projects and analyze future climate impacts on a project by making a judgment call based on the available science, but believes that this clarification will improve the guidance.

AMWA Supports Specific Provisions Outlined in the Draft Guidance

AMWA supports the provision for the following approaches detailed in the guidance:

1. Agencies may look at both the benefits and detriments that a project has on GHG emissions in an EA or EIS and consider the net effect;
2. Agencies may use existing data and studies from landscape scale studies and then apply the results qualitatively to site-scale projects, rather than requiring potentially resource-intensive analyses for calculating emissions at a site-specific scale; and
3. Agencies may allow for short-term GHG impacts that result in long-term environmental gains, such as prescribed burns to support healthy forests.

Request for Clarification in the Final Guidance

The guidance discusses direct, indirect, and cumulative impacts analysis of a proposed action's reasonably foreseeable emissions and *effects* (Draft page 4, 79 *FR* 77825); Section III of the guidance describes this in more detail by including the need to include "connected" actions (Draft, page 11, 79 *FR* 77825). Does this mean that an analysis should consider both direct, indirect and connected climate effects as well as GHG emissions? This is an area of the guidance where climate impacts and GHG emissions is used interchangeably and it is unclear what the intent is. If it is CEQ's intent for agencies to consider direct, indirect and connected actions related to future climate impacts on a proposed action, then AMWA requests more clarification in the guidance as it seems that such an analysis would be extremely difficult and speculative given the uncertainties involved. AMWA believes that the benefits vs. the costs relative to the level of expense for evaluations could become prohibitive without this clarification.

Along the lines of GHG calculations, is CEQ recommending a standardized protocol for this assessment? Most local governments used standardized protocols for calculations of total emissions in GHG reporting. AMWA recommends that the protocol for the calculation should be standardized for total emissions if total emissions are desired.

AMWA also requests that CEQ clarify the following points in the final guidance:

1. The extent to which direct and indirect emissions should be included in the GHG analysis (Draft pages 2-3, 79 *FR* 77823) of a project.
2. Whether agencies may decline to perform an analysis on the implications of climate change for the environmental effects of a proposed action if that action will result in less than 25,000 metric tons of GHG emissions; and
3. That consideration of the economic feasibility of a project is relevant in assessing whether an alternative is reasonable, even if an economic cost-benefit analysis "should

not be used in weighing the merits and drawbacks of the alternatives when important qualitative considerations are being considered.” (Draft page 16, 79 FR 77827)

Finally, AMWA recommends the following clarifications be included in the final guidance:

1. Please better explain in the announcement for the final guidance how CEQ will (or will not use) the information agencies provide in NEPA documents pertaining to GHG analysis and climate adaptation
2. CEQ should reference the 25,000 metric tons of GHG cited in the guidance as a “point of departure” for GHG analysis, and provide additional information about why CEQ believes this is a good reference point.
3. It is essential that CEQ clarify what is meant “long lifespan” (Draft page 3, 79 FR 77823) in the phrase, “by assessing those proposed actions that have a long lifespan such that a changing climate may alter the environmental consequences associated with the proposed action.” Specifically, could CEQ provide examples of when a project’s lifespan may not be amenable to an analysis of climate impacts on the proposed action? Does CEQ have a time threshold in mind?
4. CEQ should be more precise in the language used in the guidance to describe the process for GHG emissions analysis and analysis of future climate impacts of an action. As noted previously, there are places in the draft document where it is difficult to differentiate between the two types of analyses.
5. Please clarify what is meant by the discussion of using projected GHG emissions as a “proxy for assessing a proposed action’s potential climate change impacts.” (Draft, page 8). This section is confusing because the opening phrase of the paragraph reads, “In light of the difficulties in attributing specific climate impacts to individual projects...” Is this discussion only for GHG emissions analyses, or also for analyzing the implications of climate change impacts on a proposed action?
6. CEQ should also clarify that a project alternative could increase the resilience of a resource (such as water resources availability) in light of future climate impacts. The discussion of short-term and long-term benefits in the draft guidance only focuses on GHG emissions. (Draft page 21, 79 FR 77828)
7. Page 21 of the draft guidance (79 FR 77828) states, “The current and expected future state of the environment without the proposed action represents the reasonably foreseeable affected environment that should be described based on available climate change information, including observations, interpretive assessments, predictive modeling, scenarios, and other empirical evidence.” Is it CEQ’s intention for agencies to base this assessment on *all* of the available sources of climate change information, or for agencies to use best judgment? AMWA is concerned that this statement could lead to long, drawn out analyses and recommends that CEQ reiterate where appropriate that agencies should use their best judgment to scope the analysis of climate change and GHG for project alternatives.