

Private Individual Comments and Responses

Mr. James Marple submitted a series of six email transmittals. An explanation of how NRCS responded to these comments is provided on the following page.

Responses to Mr. James Marple

The majority of the text discussion, provided by Mr. James Marple in his six e-mail transmittals, reiterated in numerous ways Mr. Marple's concern that NRCS was remiss in not evaluating a separate program alternative of "rainfall storage" as a viable alternative for reducing flood damages. NRCS provides a response to this general issue of lack of consideration of the alternative on the page to the right (James Marple page 1); responses to Mr. Marple's comments on other specific issues in the PEIS apart from his proposed alternative can be found at the end of this section, following the remaining text of his comments.

EWP

From: James H. Marple <jesl@carolina.net>
To: <ewp@mangi.com>
Sent: Wednesday, February 16, 2000 12:10 AM
Subject: EWP PEIS COMMENT

COMMENTS RE SPECIFIC PROVISIONS OF PROPOSED EMERGENCY WATERSHED PROTECTION PROGRAM CHANGES

James Marple 2793 Hwy 20 E St Pauls NC

Feb 2000 <ewp@mangi.com>

My comments about proposed changes derive in part from hundreds of interviews with NRCS district conservationists and their staffs, in part from discussions with other government officials and private interests, in part from over 30,000 hours of research in files and libraries. My advisors include highly qualified engineers, economists, educators and researchers.

I offer no apology for my obviously meager material organizing and writing skills because the scope of this task greatly exceeds the abilities of any one person to assemble, correlate and illustrate all information in a timely manner. It is hoped that useful insights might be found by those who manage to wade through the following mass of observations.

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General Response

The fact that the subject of water resource management cuts across every discipline makes it imperative that planners have a broad range of general knowledge, so that they may properly assess each element in relation to all others and to the whole. My discussions with Chief Reed ten years ago revealed that he had such knowledge and was capable of integrating the many elements into programs that would address the public's needs effectively and equitably. The fact that USDA's California office still has no adequate comprehensive natural resource management or drought mitigation programs has given cause for concern about his effectiveness and motivation, however.

What conclusions should be drawn from presentation of this proposed change in the EWP program without a full and impartial examination of the costs and public benefits that flow from comprehensive watershed management plans which incorporate suitable levels of upland rainfall retention? Does this omission indicate that the NRCS has altered its policy and no longer prefers to deal with flood problems at their source, preventing rainfall runoff from accumulating as floodwaters? Does it suggest that special interests have applied undue pressure upon the USDA through captive politicians?

It is understandable that an agency leader would make certain compromises in order to blunt the budget threats orchestrated by campaign contributors who exploit the ignorance and self-interest of politicians. It is well-known that a virtual army of land speculators, water/energy suppliers, bankers, agribusinesses, environmental activists, engineers, contractors and other profiteers depends upon continued use of drainage-oriented planning and design and will go to any lengths to protect their sources of wealth. Yet it is unclear why Chief Reed would let his

**Emergency Watershed Protection Program Programmatic Environmental Impact Statement
Responses to Comments on the Draft EWP PEIS**

<p>General Issue Response: EWP is a disaster response program, not a flood prevention program. Section 216, P.L. 81-516 (as amended) that pertains to NRCS EWP Program states that: "The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed <u>whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment</u> of that watershed." Other NRCS programs—specifically the P.L. 78-534 and P.L. 83-566 programs—address flood prevention. Alternative 3, which would further integrate and coordinate EWP with the functions of these other programs for watershed planning, was considered by NRCS but not selected as the Preferred Alternative because:</p> <p>a. Current law, as interpreted by NRCS legal counsel, limits activities conducted under EWP primarily to disaster recovery work. Alternative 3 would add a substantial increment of preventative measures to reduce future flood damages. Legislative authority would be required to implement such a major expansion of the purpose of EWP under Alternative 3.</p> <p style="text-align: center;"><i>(continued at top of next column)</i></p>	<p>b. To a large extent, NRCS has integrated the management of its watershed programs as described in Alternative 3 within the Water Resources Branch of the NHQ Financial Assistance Programs Division working closely with the NHQ Easement Programs Branch. Together they oversee the recovery practices and floodplain easements portions of EWP and provide funding and technical assistance and training to the NRCS State Offices. But NRCS is limited in fully implementing the scope of Alternative 3 primarily by funding constraints. Several NRCS watershed programs currently exist under P.L. 566 and P.L. 534 that address watershed planning and management and include measures for watershed protection and flood prevention, as well as the cooperative river basin surveys and investigations. Under the new Watershed Rehabilitation Program, NRCS works with local communities and watershed project sponsors to address public health and safety concerns and potential adverse environmental impacts of aging dams. NRCS so far has undertaken 118 projects in 20 States to assess the condition of and repair of more than 10,000 upstream flood control structures built since 1948. The structural and non-structural practices implemented and the easements purchased under those programs have greatly reduced the need for future EWP measures in project watersheds. Nevertheless, EWP must remain available to deal with the aftermath of major disasters regardless of improvements under the other watershed programs.</p>
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Staff present a document that did not at least give adequate reason for defying Congressional instruction that every reasonable alternative be fully explored in environmental impact documents.

In summary; The final document should include a thorough exploration of the costs and benefits of modifying each watershed's upland to retain the amount of stormwater that would reduce runoff enough to achieve the same objective as proposed repair and buyout programs. If it does not it should at least give a full explanation of why this alternative was not explored.

Comment on specific elements of the proposed changes:

1 *Element 2 of Alternative 2 bears careful scrutiny in that it could present opportunities for clever misleaders to do major damage to the public interest by misusing their authority.* The "horrible example" of California's Riverside County Chief Engineer pushing through channelization of Murrieta Creek (a major branch of the Santa Margarita River) as an emergency project should be sufficient to make any conscientious planner leery of handing emergency powers to local officials. This project violated every precept of public input to planning and destroyed the centerpiece of this river's watershed as it achieved the goal of hugely magnifying the value of private properties along its length.

2 It is often argued that flood damage is not predictable. NRCS should consider that if its employees were not able to envision each potential flood damage scenario and formulate reasonable responses before the damage occurred, they certainly would not be capable of authorizing corrective work appropriately.

Element 5 of Alternative 2 does not include pre-evaluating the "defensibility" of corrective measures, making it as open to abuse as Element 5.

3 By definition, "urgent and compelling" situations would require corrective action within a time frame that would eliminate appropriate public response to proposed actions. NRCS employees would be put in a fiduciary position for which they are neither properly paid or trained and in which they would be unacceptably vulnerable to the deception, coercion and bribery of profiteers. An atmosphere of crisis is not conducive to sensible, equitable decisions. Only when pre-programmed responses that have been adequately reviewed by the public are available should public servants be given broad powers.

It should be noted in this context that Congress has instructed the ACOE to discover the "Least Environmentally Damaging" alternative in every application for a permit to alter Waters of the US and has ordered that this agency require that this "LED" be chosen unless there is compelling evidence of significant economic or social harm. Does the NRCS propose to override ACOE responsibility at the whim of a local employee or is it prepared to work with ACOE in protecting natural resource rights of the general public from arbitrary actions of individuals? The NRCS must produce clear and unequivocal guidelines for what constitutes "compelling" evidence before it hands local personnel authority to take actions that might be overly influenced by special interests.

- *This Draft PEIS provides no indication to readers that NRCS has considered how land development made necessary by floodplain buyouts will do enormous environmental damage wherever regulations that minimize the runoff of stormwater and pollutants are not adopted and enforced.* Have NRCS planners fully considered this and adjusted their program to provide incentive for communities that apply Best Management Practices in dealing with stormwaters? It seems self-

evident that applying stormwater retention programs which reduce flooding to acceptable levels and allow continued use and enjoyment of the floodplain properties is a far more environmentally friendly solution to flooding problems. This solution also does not improperly persuade residents to abandon their homes to please preservationists and land speculators..

According to NRCS records of upstream management programs these are considerably quicker to implement and provide more public benefit at far less cost than the drainage-based programs required under present land use regulatory programs of most watersheds. With this in mind;

- Does NRCS management accept the thesis that floodplain damage has been exacerbated by increased rates, volumes and frequencies of runoff in upstream areas?

- Does NRCS management recognize that the enlargement and expansion of drainage systems to accommodate the new homesites made necessary by a buyout would generate even greater runoff and so enlarge the floodplain area and necessitate more buyouts?

- Does NRCS deny that increases in flood frequency and severity could be compensated for with rigorously implemented onsite retention planning such as that of Fresno or Phoenix?

- How does NRCS reconcile the enormous success of upstream retention in the Sandstone Creek (OK) watershed, upstate Missouri/Iowa, and in Florida with its proposed downstream repair and buyout programs?

- Did NRCS planners factor in the fact that when new developments are designed to retain all runoff with surface and underground detention/infiltration structures (such as those required in Florida) or guide it to remote storage facilities (constructed surface basins that percolate runoff to natural underground reservoirs as in Fresno) there will be a reduction in floodwater accumulations in direct ratio to the amount of this development?

- Do NRCS planners reject the assumption that areas now designated as floodplain will gradually cease to merit this description as the inevitable adoption of sensible onsite retention regulations becomes standard procedure throughout each watershed?

- If NRCS planners accept the validity of a rainfall storage-oriented approach to watershed management that applies the practices they advocate, how do they justify spending public funds to buy land that will once again become suitable for habitation?

- If NRCS planners reject this approach to watershed management, how do they reconcile this rejection with the successes of Sandstone Creek and similar onsite/upstream retention programs for which they are advocating reinvestment?

Over one hundred hours of discussion with local residents over the past several months generated so many notes that I have chosen to provide a list of the points they made and voice my own views separately. The following is a summary of opinions voiced.

- The most universally accepted view, so widespread that it should be considered a "conventional wisdom", was that floodplain buyouts are just another subsidy intended to bring votes to the

politicians who most loudly claim credit.

- Most persons perceived an excess of pressure by preservation extremists who seek to gain large tracts of land for wildlife habitat. Several suggested that this was a product of collusion between these activists and profiteers so that both could achieve their aims.

- Few persons accepted the NRCS Draft EIS information as complete, accurate or free of a bias dictated by personal goals of its leaders.

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- Most persons questioned the basic premise of this EIS, that public funds should be used to provide additional wildlife habitat and

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- Several qualified civil engineers asserted that floodplain storage of runoff would have little positive impact on groundwater recharge, as suggested by the PEIS, but could accelerate building foundation, road and utility failure and magnify seismic damage.

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- Almost no one believed that people who give up their homes for federal dollars would be better off in the long run, for a variety of reasons.

a) Some thought this because the amount received would not buy an equivalent property outside the floodplain.

b) Others thought the "easy dollars" would most likely be spent carelessly, leaving the recipients as poor as before but now homeless.

c.) Many saw the buyout program as a weapon of land development profiteers aimed at coercing people into accepting a huge load of lifetime debt for a new home.

- All were firm in their belief that tax money should not be spent buying land that is flooded by major storms and repairing damage if the same amount would prevent flooding.

- All who examined both alternatives at length chose to have flood prevention derive not from deeper and wider drains but from catching and storing rainwater wherever it falls.

- Two persons suggested that this document puts the NRCS in inappropriate competition with other bureaus for control over public funds.

EWP

From: James H. Marple <jesl@carolina.net>
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Sent: Wednesday, February 16, 2000 12:13 AM
Subject: EWP PEIS COMMENT 2

EMERGENCY WATERSHED PROTECTION PROGRAM

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

<http://www.mangi.com/pdf/Welcome.pdf>

COMMENTS RE SPECIFIC PROVISIONS OF PROPOSED EMERGENCY WATERSHED PROTECTION PROGRAM CHANGES J Marple Feb 2000

<ewp@mangi.com>

There were no references cited for Chap3 "Alternatives Including the Proposed Action"

Does this indicate that only the listed preparers arrived at stated alternatives or did others within USDA dictate that only these alternatives would be considered?

I ask because there is no discussion of the alternative of reducing floodwaters with onsite retention planning to a level that would prevent disastrous flooding.

Without this information those who wish to comment may only guess at whether the civil engineers listed were the sole source of this glaring omission or political considerations dictated the lack of discussion of a rainfall storage alternative.

CEQA and NEPA guidelines call for exploration of every reasonable alternative.

Did the three NRCS Civil Engineers, with a maximum experience of 30 years, dictate that the rainfall storage alternative not be given full and fair evaluation? If so, I wish to suggest that my 35 years of hands-on rainwater drainage management and over 31,000 hours of intensive research and discussion with experts nationwide are adequate qualification to validate my disagreement with their conclusion.

I see no good reason why the draft PEIS did not contain an in-depth assessment of the rationale for reducing floodwaters to levels that existing watercourses could handle without excessive overbank flooding.

This assessment should have included examination of the following:

1. Vegetative management programs that would maximize infiltration to reduce runoff.
2. Soil treatment procedures that would promote percolation.
3. Grading programs that would maximize detention/infiltration.
3. Groundwater flow modeling programs that would optimize detention storage, pollutant removal and permanent storage conditions.
4. Identification of appropriate upstream infiltration/storage areas.
5. Planning techniques that will produce the necessary comprehensive watershed management plans.
6. Management of runoff from point of rainfall impact to point of use or disposal.
7. Comparison of the costs for retaining roughly 20% of a major storm and the costs for defending downstream properties against this much floodwater.
8. Examination of indirect costs and benefits of onsite retention in rural and urban areas.

It is likely that the Professional Engineers who advise NRCS planners will be scornful of my non-technical terminology but I find their jargon inappropriate for communicating with people who apply common sense to conceptual planning. The training of engineers produces a tunnel vision which, together with an innate tendency to perpetuate their employment, does not allow most to contribute appropriately to conceptual planning. Persons who lack formal training are more able to apply common sense to a comparison of basic concepts such as drainage-oriented versus storage-oriented rainwater management. Their view is not clouded by visions of grandiose schemes to channelize, dam or transport water so they can appreciate the savings that come with low-tech modes for eliminating floods by retaining most stormwater where it falls.

Table 3.4-10, Cumulative Impacts of the EWP Program Alternatives, presents some questionable premises that would, if accepted, divert readers of this document from examination of flood prevention alternatives.

Alternatives 2 and 3 are aimed at "upgrading" restoration practices to slow declines in quality of habitat.

There is no discussion of halting or reversing these declines, goals that seem more appropriate. There is no discussion of preventing the flooding and polluted runoff that causes this decline.

Why is it assumed that declines must occur?

Why is "repeated damage" referred to as a given condition when it could be prevented by a program of floodwater reduction?

It seems to be assumed that disasters are inevitable and so restoration programs will continue to be

needed. Is it inconceivable that adequate selective upstream retention could prevent disastrous flooding and so make this program unnecessary?

The EWP is aimed at removing threats in the aftermath of disasters. These threats are termed "watershed impairments" **By adopting this definition NRCS limits perceptions of the scope of its alternatives to its preferred domain.** This definition should not be accepted as a limiting factor by commenters to the PEIS because every acre of land in a watershed may contribute to or reduce flooding depending on its natural characteristics and how planners modify it. An acre may be part of a preventive measure if modified to retain excess flows or if its runoff is guided to remote retention. A roof may be considered a "watershed impairment" because it hastens the flow of water downstream. A parking lot that is not designed to guide its rainfall to storage must be considered an "impairment" because it causes a greater peak flow and volume of stormwater runoff, and increased frequency of polluted daily streamflows.

It is obvious that if the parameters implied by this summary are observed there will be no comment about the advisability of NRCS doing what it does best, guiding and aiding landowners to reduce rainwater runoff so that downstream residents do not need to react defensively.

7

True, floodplain buyouts, the primary goal of this proposed action, will mitigate damage, but the cost of these buyouts is certain to be far greater than the amount that is paid directly to property owners from public funds. The total cost must be reckoned in environmental damage done by the development of additional land and in the consumption of natural resources that will be needed to provide new homes for residents whose homes are demolished.

If, for example, we assume that 1,000 homes are bought out then we know that another 1,000 must be built. This means, under present land development modes, that another 60 million gallons of sewage effluent will be partially cleaned and released into the public water supply, 20 more tons of pollutants will be added to daily flows into rivers, more rainfall will be wasted than these homes will use.

S-7 Mitigation of EWP Impacts

While it is of course desirable to minimize damage from EWP activities such as armoring streambanks, planners should recognize that such mitigation would not be needed if the upstream retention alternative is applied.

We might ask how far planners are prepared to go in building and maintaining mitigation features, then compare the costs of this with those of an upstream retention system.

PROGRAM PURPOSE

The stated purpose of proposed changes, to improve the delivery and defensibility of the EWP program and deal with concerns that are not now covered, seems appropriate. It is proper that the NRCS should make every effort to improve the deliverability of their services since Congress has made its intent clear that this be done as long as this does not interfere with citizens rights to use and enjoyment of their property and as long as the public is given proper opportunity to comment on every aspect of planning that impacts public welfare.

8

But when NRCS planners state an aim to improve the defensibility of their program they raise questions about the actual need for these services and about bureaucratic motivation. A sound and properly executed program should need no defense, as it would not cause undue negative environmental, economic or social impacts. Properly motivated planners would ideally give little thought to a need to sell their program in a sensible political climate. Defensibility should not imply an intent to counter criticism that might diminish their opportunities to expand agency powers and individual incomes.

Some questions that were asked and answered in the course of discussions with local and distant concerned citizens may shed light on the issue of whether this document is accurate, complete and fair.

- Should our taxes be spent buying land that is flooded by major storms and repairing damage or should our wealth be used to prevent flooding?

- If we choose to prevent flooding rather than compensate for it do we want the prevention to derive from deeper and wider drains or from catching and storing rainwater wherever it falls?

9

- Has this document placed the NRCS in an unseemly competition with other agencies for the power to spend public funds?

- Is the NRCS wasting energy by competing with other agencies for funds?

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- Have other agencies been fully involved in formulating this proposed changes?

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- Was scoping of the PEIS and this document adequately advertised?

Where have NRCS planners provided their answers to these questions?

EWP

From: James H. Marple <jest@carolina.net>
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Subject: EWP PEIS COMM 3

COMMENTS RE SPECIFIC PROVISIONS OF PROPOSED EMERGENCY WATERSHED PROTECTION PROGRAM CHANGES <ewp@mangi.com>

COMMENT 1

- The following rough draft of a letter was not sent due to committee disagreement about its timeliness in relation to the EWP-PEIS.

* * *

DRAFT comment to EWP Program Director --- <http://www.nrcs.usda.gov/>

Watersheds and Wetlands Division USDA-NRCS Washington DC

A casual scrutiny of this site has persuaded several sensible folks who advise me about how their neighbors view the NRCS that there is confusion within the agency about its agenda. These persons see a conflict between developing the world's most comprehensive collection of water resource management information and advising the public it should be supportive of efforts to mitigate flood damage. They believe that an agency should focus either on preventing flood damage or on correcting damage from flooding, that it cannot in good conscience do both because this creates a conflict of interests that would inevitably lead to inadequate discovery and/or biased correlation and dissemination of information.

It appears to me that this view has merit, as the goals of planners who advise politicians about the most appropriate methods for preventing floods will certainly clash with the goals of planners who wish to persuade politicians to fund larger programs for the correction of flood damage. Ideally a public servant could merge these goals but there is no way in this real world of ours that both can be served properly within a single agency.

The NRCS PEIS does not lay out a program in which its efforts and funding was divided between flood prevention and flood damage correction according to a rigid schedule of priorities. Without this, there is no real be some basis upon which to hope that NRCS planners are looking at all sides of this issue.

Watersheds and Wetlands Division

USDA-NRCS Washington DC

The following are condensed from notes and tapes of informal discussions with concerned citizens.

* * *

COMMENT 2

...From an attorney and an economic professor:

The basic premise that our taxes should buy floodplain land in order to prevent further damage has at least three inherent flaws.

1. Buybacks may indeed make floodplain lands available to public enjoyment and provide floodwater detention, but these uses of land that has been under cultivation are unlikely to constitute "highest and best" usage.
2. Equally productive land is rarely available at the same cost so that the displaced persons may at least be no worse off than they are at present.
3. Moving people from floodplains to higher land creates more flooding that will further enlarge the floodplains, just as they have been enlarged by past land development that failed to apply onsite retention technologies with due rigor.
4. Why buy flood-prone land when it is less costly and more beneficial to the public as a whole to prevent this land from being flooded?

We are well aware that most floodplains have suffered progressively worse flooding because public officials have not properly regulated upstream land uses. If ordinary retention planning, like that promoted by the Soil Conservation Service for a half-century, is adopted each new land development project would shrink the floodplain until it received no more than nuisance flooding.

Landowners who suffer damages as a result of failed planning by upstream residents are entitled under US law to compensation for this damage. Few of them realize this, however, and so prefer to suffer in silence or accept buyouts such as the one proposed in this document. Those few who do recognize that their problem is a result of the actions of others are unlikely to have the resources to push their case through to an appropriate settlement. Their need for powerful and therefore expensive legal help comes not because they lack evidence of the cause of their problems, this is plentiful in NRCS-ACOE-EPA-USGS-FEMA files, but because they must battle the combined power of public agency managers and the profiteers who collaborate with them. This combine has proven its willingness to go to great lengths to perpetuate the drainage-oriented planning that brings job security to the bureaucrats and enormous unearned profit to the profiteers.

Public civil engineers and planners have cooperated in defeating efforts by flood victims to win court cases that would lay the blame for flooding where it belongs (on persons who alter runoff regimes of their land) because their jobs are tied directly to their ability to prevent the public from discovering how grossly it has been misled by bureau managers and profiteers. The blacklist of those who step out of line extends into every major government agency and private firm. Every competent agency manager, engineer, planner, legal professional and politician knows that a landowner is entitled to protection from actions of others that interfere with the use and enjoyment of their land. When they

refuse to use their office to protect this right they become derelict in their duty.

There are a few cases where upstream drainage was directly tied to downstream flooding and victims won compensation, but these are too few and poorly reported by a media that is overly "sensitive to the needs of business". I know of no documentary that has exposed the whole picture of influence that profiteers exert over politicians, agency managers, engineers, planners and associated professionals. Claims by the news media to due diligence in searching out and illustrating criminal activities ring hollow where water resource planning is concerned. This profession turned a deaf ear to every report of the massive mismanagement of California's water and shows little sign of changing its attitude where the rest of the nation is concerned. The tens of billions in unearned profit that flow from public pockets to major profiteers each year through manipulation of water-related planning are sufficient incentive for the profiteers to use every weapon of misinformation, obfuscation, diversion, distraction, coercion, character assassination and outright bribery they can invent to ensure that this carefully disguised refusal to investigate and expose corruption will continue.

Flooded folks obviously have a right to sue all jurisdictions that failed to apply latest and best planning and design with due diligence. There can be no reason except negligence for increased flooding as many communities have adopted onsite retention planning that cumulatively reduces stormwater runoff as more land is developed. These folks stand little chance of winning their cases, however, as many powers of government are certain to be used to discredit and defeat them. The many persons whose jobs depend on continued obstruction, distortion and delay of rainwater storage-based technologies will collude with brazen impunity to attack testimony, assemble contrary information and manufacture false perceptions of this alternative to present planning.

The power of private interests is formidable to the point of omnipotence because it extends to the very top of government, warping decisions made by the Nation's primary elected and appointed officials. (The mindless rejection of rainwater storage planning by California's Carlos Madrid, the brazen budget threats of Congressman Packard and the recent coercion of Babbitt by Cohen re Atlantic Salmon are prime examples.) As long as profiteers continue to prevent the news media from fully and fairly illustrating this chain of power and only a few in the general public are willing to look past the news media for information, the public will continue to elect persons who can be deceived, coerced and bribed into allowing profiteers to dictate major water resource planning decisions at all levels of government.

...From brief discussions with concerned citizens:

COMMENT 3

The argument that floodplain lands should be purchased with public funds to prevent damage from flood events is specious in a variety of ways.

First; The supposition that damage will occur is based on assuming that the public will not recognize that it is a result of inadequate retention of rainwater and elect officials who take the steps needed to correct this deficiency. This is not necessarily a valid assumption, as shown by the replacement of County planners by competent ones after Fresno's formation of its own water district and adoption of 100% rainfall retention.

Second; Every capable planner knows that it is far cheaper to prevent floods by retaining a portion of stormwater where it falls than to deal with this resource after it accumulates in watercourses. (The

amount that causes flooding is a small percentage, usually about 20%, of the total) When faced with a choice of buyouts or flood prevention they cannot in good conscience support buyouts.

12

Third; Removing floodplain lands from cultivation increases the cost of food production and increases the need for irrigation, leading to greater environmental damage.

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Fourth; Buyouts force the construction of replacement homes that exacerbate flooding besides magnifying damage from pollution (contaminated runoff, air/water pollution from energy production-related activities) and waste/loss of water supplies.

14

Fifth. The need of flooded land owners for immediate relief would be exploited by this program. This is clearly a "taking", a denial of their right to use and enjoy their land.

COMMENT 4

It is clearly not in the public interest to for public servants to spend \$2,000 buying an acre of floodplain land to detain a million gallons of water instead of spending \$100 upstream to retain this same amount with agricultural BMPs. (NRCS records reveal that earthworks to retain an acre-foot of water and its pollutant load for percolation to groundwater through cleansing soil costs roughly \$35 to construct. Most watersheds have more than enough land that can be modified in this manner to retain the roughly 20% or stormwater that is needed to prevent overbank flooding.)

Downstream detention does little for water supply needs, more often than not provides a long-term decrease in wildlife populations, and has minimal pollution control capability in comparison to onsite retention of rainwater. In contrast to this approach, the underground flows of rainwater retained by upstream onsite retention BMPs will gradually be released as year-round stable streamflow that replenishes reservoirs, enhances riparian habitat and expands recreational opportunities.

Public servants are obligated to put public funds to best use. Buybacks not preceded by full exploration of upstream retention alternatives clearly do not fulfill this obligation.

(Any normally competent planner who exercises due diligence in researching alternatives will discover the same facts and figures I have found and will draw similar conclusions from them, although I admit that my 35 years of field experience and 31,000 hours of research gave me a distinct advantage over public servants constrained by budgets, inappropriate instructions from ignorant/dishonest politicians, and job security concerns.)

COMMENT 5

At best, floodplain buybacks are mere appeasements of overzealous preservationists who are not fully cognizant of the ways in which animal populations, rainwater utilization, flood prevention and aesthetic concerns can be best served. At worst, floodplain buybacks constitute a theft of public funds to enrich overly influential land speculators.

It is not difficult to understand why even honest public servants are misled into approving projects such as floodplain buybacks. One need only examine misinformation such as the California Water Atlas, the SCMWD website or the many products of "WESTCAS" and the "Water Education Foundation" to understand how profiteers have arranged to corrupt the public database through government offices and the news media.

COMMENT 6

NRCS-ACOE and other civil engineers are competent enough to design most watersheds so that they retain enough stormwater in upstream areas to prevent flooding. Why, then, are floodplain buybacks proposed as a central feature of this EWP instead of as a secondary tool for use where upstream DRI plans [Detention-Retention-Infiltration] are not practical or cost-effective?

When conceptual planners attempt to balance intangible benefits such as watershed-wide wildlife habitat enhancement, recreational opportunities and aesthetic values by assigning arbitrary figures to each the planning process becomes vulnerable to abuse to suit their ends, as their judgment may conflict with that of the majority of residents. These residents themselves should be both the focus and the source of conceptual plans.

If we suppose that a sensible person discovered that the rainwater falling on his property could be guided underground to be available for his use at less cost than disposing of it, would he decide to line a ditch with concrete to channel it away instead of building a berm for temporary detention that allows this water to soak into the soil?

If the majority of landowners in a watershed were given an incentive, such as a rebate on their taxes or a flat per-acre payment, how many would modify their land with NRCS help so that it retains most or all of its stormwater and allows this to soak into the soil to replenish the public water supply?

Has the NRCS derived figures for various scenarios that would permit this planning?

Are these figures not a part of the retention alternative to the preferred alternative of floodplain buybacks and/or damage repair?

COMMENT 7

It appears that Congress provided the terms "emergency" and "exigency" in order to allow considerable latitude in dealing with each circumstance. While this comment is not intended to address political affairs, the amount of this latitude is crucial in determining whether or not upstream retention to prevent flooding should be part of the EWP Program. The "probability of damage" will of course remain as long as floodwaters are not intercepted and guided to storage and will, in fact, increase daily with the continued development of upstream areas in ways that reduce onsite retention of rainwater.

The question of how best to reduce this probability of damage requires no great expertise of those who consider it. Common sense is sufficient, if backed by knowledge of the basic costs and benefits of both drainage-oriented and storage-oriented rainwater management approaches. It amounts, in essence, to; should taxpayers subsidize buybacks of land as a primary means to reduce flood damage or should they reduce flooding? Put another way; Is it wiser to take land out of production, allowing distant agribusinesses to reap higher profits and exert even greater control over the public food and fiber supply, or to make this land even more productive by reducing flood probability to insignificance?

COMMENT 8

Some questions for the Committee to consider:

- Is the real driving force behind floodplain buybacks influential private interests who will abuse the system to reap unearned profits?
- Are these persons aided and abetted by cynical "environmentalists" who seek personal recognition or power through manipulation of public emotions regarding disasters?
- Do these groups commonly collaborate to mislead genuinely concerned citizens who are overzealous in attempts to protect the natural environment?

The central problem that I have with this document is its preoccupation with correcting flood symptoms instead of curing the disease of flooding.

A typical case of such inappropriate planning can be found in Murrieta, CA, where fifteen years ago officials proposed a "flood control" program that would cost \$112 million and consist of channelizing all watercourses. Residents of this area who recognized the foolishness of wasting \$15 million worth of rainwater yearly (the cost of replacing outflows of clean water with the equivalent in imported water) insisted that local officials examine the retention alternative. This was done, using grotesquely distorted costs and premises, and produced a \$325 million cost for the same retention capacity that NRCS figures estimated at \$600,000. This project remains unfinished, with officials still trying to push complete channelization through despite over \$100 million damage done to Camp Pendleton in 1993.

Would it make sense for NRCS to apply buybacks and corrective measures in this case?

Does it seem unreasonable to expect that the NRCS should instead provide immediate planning and design aid to the California Resource Conservation Districts of this area, bodies that have not provided comprehensive watershed management plans as ordered by the State Legislature? When "flood control" costs \$5,500 per acre-foot of water while retention costs \$35 per acre-foot there seems to be no reasonable excuse for addressing watercourse and floodplain modification instead of upstream retention.

While this may seem an extreme case, studies of thousands of similar local programs will show similarly absurd planning. If the NRCS is to perform its duties fully and fairly it will recognize the value of upstream rainwater retention, as proven in Oklahoma's Sandstone Creek project, and direct its efforts toward source correction instead of band-aid solutions.

It is noteworthy that the Murrieta project cited took place in the bailiwick of US Rep Packard who has enormous control over both the ACOE and the NRCS budgets. Land development and water supply profiteers who provide most of his campaign funding and political influence have reaped enormous profits from their manipulation of government in the Murrieta area and can be expected to direct him to use his power in preventing upstream retention planning, as this would threaten their continued extortion of wealth from the badly informed public of this region.

It should be considered that if the NRCS proposals to buy out enormous acreages of floodplain go forward they will cause additional development of upstream areas. This will lead to increased flooding and enlargement of the areas that need to be bought out. In essence, success of the buyout

program will force expansion of it, with no end in sight. Is this end sought by NRCS management as a means to expand and perpetuate their power? Are these officials no better than the self-interested Professional Engineers who counsel drainage-oriented planning where retention methodologies would obviously be superior but would reduce the need for their services?

EWP

From: James H. Marple <jesi@carolina.net>
To: <ewp@mangi.com>
Sent: Wednesday, February 16, 2000 12:38 AM
Subject: EWP PEIS COMMENT 4

COMMENTS RE SPECIFIC PROVISIONS OF PROPOSED EMERGENCY WATERSHED PROTECTION PROGRAM CHANGES Feb 2000

4

<ewp@mangi.com>

CRWM - E-mail version

USDA-NRCS Emergency Watershed Protection Program Programmatic Environmental Impact Statement

A COMPARISON OF SOME MAJOR FLOODPLAIN BUYOUT IMPACTS

Positive impacts

1. Reduced need for building repair.
2. Reduced flood-associated hazards.
3. Reduced infrastructure maintenance/repair costs. elsewhere with buyout funds.
4. Provide additional habitat for large species.
5. Improved recreational opportunities in buyout area.
6. Improved land values around buyout area.
7. Reduced water pollution by agricultural chemicals.
8. Increased profits for farmers outside buyout area.
9. More efficient operation of a public agency.

Negative Impacts

- 15 1. Reduce taxation income of local government.
- 16 2. Displaced persons unlikely to find equivalent land.
- 16 3. Displaced persons typically locked into long-term debt for extravagant homes.
- 16 4. Displaced persons generally must accept less living space.
- 17 5. Reduced wildlife populations/diversity over long term.
- 18 6. Diminished recreational opportunities from new development to house displaced residents.

- 19 7. Increased cost of land around buyout areas.
 8. Land development needed to house displaced persons causes greater flooding, water pollution.
 - 20 9. Increased water pollution where replacement farming takes place.
- The identification of all beneficiaries from an expanded EWP program is an appropriate first step in deciding whether it is an appropriate use of public funds.

- The victims of flooding are obvious, so improvements to their health, safety and welfare can easily be identified.

- The businesses that participate in removing floodplain structures and building features of the EWP program are also easily identified so at least a part of their input and financial contributions to planning can be assessed.

- Many of the chief beneficiaries of floodplain buyouts are difficult to identify because their benefit are achieved indirectly. Their influence upon planners, politicians can only be recognized after meticulously tracing funds from the public pocket to the bank account of each. To properly assess this influence it is necessary to examine how buyouts will affect the whole picture of agribusiness profit, land speculation, utility manipulation and the fortunes of all who support these elements of the business community.

Thoroughly researched answers to the following questions would lead to a better understanding of the structure of special interest groups that expect unearned profit from floodplain buyouts: Has the NRCS examined the potential of these groups to mislead planners from the most publicly beneficial planning?

1. To what extent has the buyout program been promoted as a tool of social engineers to modify living conditions for low-income residents?
2. To what extent have local land speculators inappropriately influenced planners of this program through hearings, workshops and deception or coercion of planners?
3. Will the buyout program reduce or increase the overall cost to society of coping with extreme natural events over the long term?
4. How much influence have major corporate profiteers exerted upon federal and state government politicians through campaign contributions, profit-sharing "investments" and offshore bank accounts to orchestrate the planning of this program?
5. To what extent have profiteers deceived with, connived with financially supported environmental extremists in pressuring planners to produce this program?
6. How have personal agendas of bureaucrats and private organization managers who seek to perpetuate and expand their income and influence been reflected in the development of this program?

The answers to these and related questions about inordinate influence by special interests cannot be found in the PEIS, yet deserve diligent research and impartial expert illustration. It is certain that NRCS planners are so constrained by political considerations of top-level management that they cannot produce an impartial evaluation of special interest influences upon their planning process. It is also certain that these planners have been prevented from making full use of news services and direct mailouts to foster maximum input to the EWP PEIS by the public. Those who are using this program for personal gain would obviously not wish to have larger turnouts at public forums, greater direct input to elected and appointed officials or better-informed voters making more intelligent political choices.

Every ordinarily well-informed observer can see that the public's primary sources for information have been instrumental in misleading concerned citizens from common-sense alternatives to conceptual plans presented by government agencies. Many of the false conventional wisdoms that keep the public from recognizing patently foolish plans were spawned by agents of profiteers and environmental extremists. Many others can be traced to misinformation released by government

agencies and parroted by journalists too naive to seek out facts to balance what they are fed by much cleverer wordsmiths.

While environmental activists have shown considerable energy in seeking to identify improper planning and false information, their inquiry into abuses of power by government are so limited by excessive selectivity in presenting their findings that much of their input is made relatively meaningless. Despite these severe limitations they have become a primary source of information for those in the public who rely upon the major news media, due to the desire of journalists for controversial news. Because of this unwarrantedly high profile, magnified by news media shills of the profiteers, bureaucracies within these organizations have been exploited by profiteer agents to produce false perceptions of resource management options within their members and the general public. An additional extremely damaging misperception lies in the fact that most people prefer to believe that the activists are effectively protecting public resources from exploitation by profiteers.

Few local citizen groups have shown notable capability to examine the full range of influences upon government planning, due to their generally narrow focus upon local issues and to the apathetic attitude of most Americans toward protecting their family's health, safety and welfare through personal efforts to discover, correlate and disseminate and discuss information and ideas. While these groups constitute the most appropriate source for correction of false information, the willingness of most citizens to let someone else manage their financial and natural resource wealth has kept them relatively powerless.

In summary; NRCS planners cannot be expected to deal fully and impartially with questions such as those above due to political pressures, journalists have a wide variety of reasons for not producing complete and accurate presentations on this subject, and major environmental activist groups have demonstrated an excess of selectivity in presentations of their research. It is this combinations of weaknesses in a democratic society that profiteers and opportunists, who together make up a hierarchal society of robber barons and shills within America, have been able to exploit to enormous personal benefit. Their insatiable desire for profit and power has given us grotesquely inappropriate water and energy planning that has done enormous damage to our natural environment while bleeding away wealth that could have given us a far healthier, safer and more prosperous nation. The final PEIS would be a far better document than the public has come to expect from its government if it contained a wide-reaching and impartially presented discussion of the rationales that produced this effort to improve and expand the Emergency Watershed Protection Program.

CRWM DRAFT COMMENT 2/5/00

USDA-NRCS Emergency Watershed Protection Program

Programmatic Environmental Impact Statement

21

EWP

From: James H. Marple <jesl@carolina.net>
To: <ewp@mangi.com>
Sent: Wednesday, February 16, 2000 12:52 AM
Subject: COMMENTS RE EWP PEIS PROGRAM

Judith Stacy

1672 Reedy Meadow Rd

Tarheel, NC 28352

Dear Director:

The Draft EIS for the Emergency Watershed Management Protection Program

purports to present all alternatives yet ignores the most obvious one, that of

applying upstream retention planning that reduces peak flows to below flood

levels. Do NRCS planners have good cause to presume that upstream retention

could not achieve this goal? If so, why wasn't this cause presented in the Draft EIS?

If NRCS planners have determined that onsite retention of rainfall throughout a watershed will not produce reliable and cost-effective flood reduction, to make

buyouts of floodplain land unnecessary, they have an obligation to present this information. It seems logical to collect and store stormwater at or near to where

it falls rather than just trying channelize it flow after it has accumulated in

unmanageable quantities.

Do NRCS planners deny that the cheap rainwater-trapping methods developed

by their agency would, if applied by normally capable technicians, reduce runoff

to less-than-flood amounts? Or have they, like so many Professional Engineers

who fear that the use of low-tech, low-cost because it threatens their job security,

chosen to ignore common-sense truths and deliberately ignore planning techniques

that would cause their agency to work itself out of a job over the long term?

Madlyn Creekmore
32750 Rome Hill Road
Lake Elsinore, CA 92530

Dear Director:

Those of us who have made use of Soil Conservation Service plans and services and become acquainted with its unmatched body of data regarding water management know that personnel of this agency cannot in good conscience support a program as long as it flagrantly defies CEQA and NEPA rules. These require full consideration to all reasonable alternatives as a means to formulate the most effective and productive management of public resources.

The fiduciary capacity of every public servant requires that they examine every aspect of alternatives to proposed action programs.

This involves using NRCS capabilities to the fullest in applying the best available planning and design techniques to achieve "upstream" retention wherever this is the most appropriate approach.

Should you who have the task of presenting a new program fail to exercise due diligence in identifying and evaluating costs and benefits of this approach you will, according to clearly stated instructions of Congress, be derelict in your duty. The considerable value of "upstream" retention to the public's health, safety and welfare make such dereliction more than mere negligence, as NRCS personnel have been reminded of this value. Deliberate neglect of this alternative despite the fact that SCS files prove it reasonable must

be considered criminal, as it affects every American in some way.

From a previous project with the same PEIS requirements:

Robert McCoy, P.E.

Sun City, CA

It seems to me that the people who wrote this statement should have at least mentioned the environmental damage that will be done by land development that will become necessary when people are forced to move out of floodplains. It has come to my attention that the US Army Corps of Engineers is instructed by Congress to choose the "least environmentally damaging alternative", not just the least costly one, whenever someone proposes a project that impacts Waters of the US. The damage attending these moves should be factored into this Report.

Streambed alteration, debris collection and sediment removal operations may do more environmental damage than revegetation, runoff diversion and infiltration procedures that eliminate the need for defense of floodplains or repair of flood damages. For this reason alone the [agency] is obligated to explore all aspects of a rainwater storage approach to dealing with flooding problems.

In addition: US-SCS records show that watershed plans focused on saving rainfall so that it fills wells instead of running downstream to cause flooding cost much less in total than those which try to control floodwater.

The [agency] ignored its own findings by failing to compare the costs and the benefits of its proposed actions with those that would be taken within comprehensive watershed management plans that it recommends. We whose taxes support this bureau and would be spent by it for land of questionable value to us deserve to see a comparison of the costs and benefits of the proposed work and a watershed management program that halts flooding at its source, where raindrops fall.

Edward White

Lake Elsinore, CA 92530

Director,

While it makes political sense to focus on floodplain buyouts instead of flood prevention, it certainly does not make sense from a practical standpoint. In many states just three acres of land may provide a million gallons of runoff during a major storm but every capable and honest civil engineer would affirm that most properties can be designed to retain a major percentage of this rainfall using NRCS agricultural BMPs and that this would cumulatively reduce flooding to acceptable levels at less cost than drainage planning.

If this DPEIS is adopted without being modified to stress achieving flood prevention by means of retaining a portion of stormwater in headwater areas, the people of this Nation will have been duped again by the officials they trust to provide appropriate programs.

EWP

From: James H. Marple <jesl@carolina.net>
To: <ewp@mangi.com>
Sent: Wednesday, February 16, 2000 1:30 AM
Subject: EWP PEIS COMMENT 5

**COMMENTS RE SPECIFIC PROVISIONS OF PROPOSED EMERGENCY WATERSHED
 PROTECTION PROGRAM CHANGES Feb 2000 5 ewp@mangi.com**

COMMENT B *common-sense comparisons of storage-drainage approaches*

I asked several dozen persons who advise me regarding water management issues for a "lightning-quick capsulization of their views on several core features of the PEIS. Their responses are summarized as follows:

- The summary description of the current EWP program tells us that "Sediment or debris basins trap materials up-gradient before they can damage structures." It is clear that NRCS planners comprehend cause and effect clearly enough. It is not clear why their analysis does not include comparative cost estimates so that readers may see the benefits of onsite rainwater retention in upstream areas. It seems to me that CEQA and NEPA guidelines call for providing such evaluation of alternatives.
- Readers who apply common sense to evaluating this document will recognize that sediment and debris will not be carried downstream if enough water is diverted to storage upstream. With this observation in mind they will wonder why there is only token discussion of diverting most stormwater to surface or underground storage so that it is incapable of carrying significant amounts of sediment or debris downstream. A storage-based approach to rainwater management is almost inevitably more practical, publicly beneficial and economical than a drainage-oriented one.
- A review of NRCS files will show that they this agency has made full use of the World's best researchers and planners of rainwater management. Why, then, have those who now control this agency chosen to downplay the retention-based planning it excels at to propose a program that is a knee-jerk reaction to flooding? Why was there no comprehensive look at the economy and effectiveness of saving enough stormwater in upstream areas to reduce flooding to a level that does not threaten homes or cause undue sediment and debris transport to floodplains.
- The PEIS does not examine all cost/benefit factors in retaining rainfall so that reservoirs and wells will not run dry. Multi-purpose centered on this planning brings many appurtenant benefits to the general public when designed by experts instead of by local planners and engineers who rarely possess sufficient vision to plan and implement

Some citizens who are concerned about sensible application of public funds yet overly impressed by arguments of self-serving officials argue that the legislative authority for proposed changes deals only with responses to disaster, not with preventive measures. If this were true, however, NRCS would not be proposing buybacks of flooded land, as the primary intent of this is to prevent further losses, not to restore the land to productive use.

Anonymous attorney

USDA NRCS proposal to improve services to the public and expand the scope of their aid to flood victims is equitable in light of the fact that past flawed planning exacerbated flooding considerably in most watersheds. Many people who were prudent enough to build outside the floodplain or to elevate their homesites above it have found their precautions were inadequate because upstream land development was not properly regulated so that it would not add to the volume of floodwaters. These persons deserve full compensation for their losses and perhaps even punitive damages because public servants did not properly plan all land use within the watershed.

Courts have found landowners liable for their actions that increase runoff in a manner that causes damage to downstream properties. The same principle applies to communities that elect officials whose planners knowingly permit development to cause increased runoff. This amounts to willful magnification of flood flows.

My primary objection to the NRCS PEIS is its failure to illustrate an upstream retention alternative to flood damage repair and floodplain buyouts. Without this I had to search out and study a great number of documents relating to the Best Management Practices that collect and store rainwater to keep wells full, prevent flooding and reduce water pollution by intercepting and treating pollutants. These should have been available in clear and comprehensive form in the PEIS.

watershed management.

The economic and social value of retention-based alternatives makes them an alternative that is almost invariably preferred by well-informed citizens who reject the notion of disposing of rainwater by spending huge sums on single-purpose drainage systems.

- The NRCS would cannot in good faith abdicate its responsibility to fully inform the public about the costs and benefits of saving enough stormwater to prevent flooding.
- This document briefly describes practices that stabilize critical upland areas where rainwater infiltration capacity has been lost, but it does not present a program for modifying large percentages of uplands so that they retain enough rainfall to reduce flooding to nuisance levels. Was this omission intentional, a response to the recognition that presenting such a program would invalidate its premise in this report that flooding is an inevitably recurring problem?
- Retention of rainwater will obviously eliminate severe flooding if pursued with sufficient rigor, Boulder Dam has proven this beyond question, as have millions of small dams planned and funded by the Soil Conservation Service.

Why, then, does this Report focus upon reacting to floods instead of preventing them with the simple,

- Assuming that flooding will occur and that buyouts of floodprone land are justified is a false premise. Every capable civil engineer knows that when enough rainwater is stored at or near to where it falls flooding will not occur. Of course there is room for disagreement about the precise level of storage that is needed to minimize flooding to relative insignificance, just as there is room for disagreement about when flooding passes the level of nuisance and reaches the level of hazard. Yet there can be no defensible argument that flooding is inevitable, therefore this false premise cannot properly be used to justify massive expenditures of public wealth and major displacement of established communities.

- People whose homes have become subject to flooding due to misplanning and inadequate enforcement of regulations do not deserve the additional damage of thinly-disguised pressure to force them from their homes and land.

Appointed officials should not be allowed to coerce the public to suit special interests who wish to use land that will be bought with public funds. They should not be open to deception by the profiteers who seek to reap enormous profits by misleading low-level public servants into paying far more than land is worth. They should not, in short, be tools of land speculators and the overzealous self-appointed protectors of wildlife habitat who collaborate with them to raid the public treasury.

- Every thoughtful person can see that when government persuades some people who are

in dire straits to sell their land, the pressure upon those who remain is escalated due to the fact that no taxes will be paid to the community from these lands that become public property. Presently viable communities lose the tax base that supports their infrastructure because those who remain must bear the entire burden. This adds up to an uncompensated taking of land, a flagrant violation of citizens rights.

Such misuse of government powers will not offend the profiteers whose unseen influence has produced the buyout scheme, they are able to manipulate land purchases in such a way as to gain huge profits from the proposed program. Individual landowners do not have this advantage, however, and cannot avoid tremendous personal and financial losses.

- Many communities have applied this planning technique and proven its value by restoring their floodplains to productive use, raising their water tables so that wells no longer run dry and streams regain the stable, year-round flows typically found before early colonists exterminated the beavers that had dammed almost every stream in the nation. (When the beaver-bison-burrower equation is clearly understood by planners the value of upstream retention of rainwater can no longer be ignored.)

Excess flows of water are the villains, sediment and debris are merely tools it uses to wreak havoc. The alternative of reducing runoff by modifying vegetation cover, building retention terraces and berms, diverting small flows to offstream basins and damming streams will be as effective as the competence and motivation of its planners allow. The cost of these modifications is so relatively minor in comparison to their impact on reducing the volume of water reaching floodplains that cost constraints certainly cannot be a cause for the failure of NRCS planners to evaluate them fully.

NRCS planners can be certain that few concerned citizens will look beyond their presentation of environmental impacts of the program that would result from proposed improvements and expansion of the EWP. It is well-known

that the general public generally accepts that its servants in government have done adequate research into alternatives, are fully qualified to digest and correlate this information, and will illustrate and present it properly. The reasons for this often unfounded faith range from a lack of personal expertise in the many fields that water resource management covers, through a belief that these servants are completely qualified for their jobs, to excessive trust in the ability and willingness of elected officials to choose honest managers instead of merely picking among candidates offered by profiteers.

The fact that the public's faith in the ability and honesty of appointed officials is all too often unfounded is clearly shown by the predominance of drainage-oriented water planning nationwide. Able officials would get second opinions from impartial experts on every critical aspect of planning and so be equipped to recognize false testimony from

engineers and consultants. Honest officials would not allow the false testimony of engineers and consultants to dictate their presentations to agency directors.

If most officials were both honest and able they would have supplied adequate accurate information to their directors and these would have chosen common-sense rainwater retention alternatives, and the public would not be fed a steady diet of garbage information beneath constant headlines about flooding, water shortages, and water pollution.

COMMENT C

The following discussion has a bearing on the scope of this draft document. It may be argued that it is too late to broaden this scope but every public servant who accepts a personal responsibility to ensure to the best of their ability that public funds are well-spent will reject this argument. If further evaluation of a reasonable alternative is in order then conscientious planners will see that such work be done.

* * *

Forty years ago SCS Watershed Planning Specialist J. G. Politka presented a prototype system for retaining enough rainwater to supply irrigation needs and prevent flooding. His model of multiple small dams provided major-event flood protection at costs ranging from \$17 to \$45 dollars yearly per million gallons of water retained, roughly one-half the value of these waters for irrigation and many times less than the value of water furnished to households.

The cost of floodwater reduction achieved with SCS retention programs such as that of Politka et al may be directly compared to the cost of drainage-oriented flood control. It is only necessary to identify the portion of a design flood that causes damage and plan onsite retention structures that would withhold this amount, then find the costs of intercepting this volume before it reaches watercourses.

It must be noted that the cost of SCS-type structures, revegetation and onsite retention planning is typically far less than the incidental benefits apart from flood elimination that these practices generate. The same cannot be said for floodwater drainage structures because these provide no direct benefit, claim many lives and continue to drain the public purse throughout their life through operational costs..

Much can be learned by examining one example of a case where planners had a clear choice between retaining enough water to prevent flooding and disposing of excess rainfall by dumping it downstream:

The Riverside, California Flood Control & Water Conservation District was faced with the problem of recurrent and escalating flooding caused by new development of several thousand acres of land in upstream areas of the Murrieta Creek watershed. Its Chief

Engineer proposed to correct this flooding by straightening and enlarging the drainage system so that it would carry rainwater away more efficiently.

His estimate of the cost for conveying away the 21,000 acre-feet of stormwaters that would create overbank flooding: \$112,000,000.

His estimate for the cost of retaining this much water: \$325,000,000

A comparison of these figures made the choice of drainage "improvements" an automatic one for politicians and citizens who believed his figures.

The multiple small dams proposed by Politka would have required an investment of from \$735,000 to \$2.1 million to retain the 21,000 acre-feet of rainfall runoff identified by RCFC & WCD as floodwaters. This retention would have refilled empty natural underground reservoirs each year with water enough for twice its population, worth \$19 million if supplied by State systems but much cleaner than this Sacramento/Las Vegas sewage effluent.

The County Supervisors chose the drainage plan but could not persuade the public to finance it. With no action taken as a result of false information provided to planners, several predictable negative impacts have occurred:

1. The heavy rains of 1993 caused more damage to downstream properties than the proposed drainage project would have cost,
2. Residents of the watershed have lost more water to runoff than they used, creating an appearance of water shortage that caused them to approve massive new water importation facilities that will bury them in debt.
3. These new facilities created the potential for a disaster of epic proportions. (The failure of a Domenigoni Reservoir dam could produce more than 100 times as many victims as did the similar St Francis Dam scheme.)
4. Residents have ingested damaging amounts of complex chemical compounds from the heavily contaminated water imported by SCMWD,
5. This major tributary Southern California's last-remaining free-flowing river was channelized to an extent that destroyed its natural features and divided the natural habitat of this Valley into remnant zones.

This example can readily be examined from economic, social and naturalistic viewpoints due to efforts by concerned citizens to expose the bureaucratic distortion of information by County and municipal officials.

The flood control alternative of retaining water upstream was clearly delineated by a

citizen's group but their presentations were vigorously attacked by a coalition of profiteer's agents and bureaucrats who flagrantly abused their powers of office to discredit both these persons and the information that was presented.

Does it seem amazing that a flood prevention system could pay back its entire cost in less than two years? Is the combined economic and environmental cost of drainage alternatives too enormous to believe?

As with any proposition where opposite views are held, the truth lies somewhere in between.

Under ideal conditions such as those present in about a quarter of this nation's watersheds and with honest and capable officials directing the action, a retention-based flood control system could pay back its entire costs in two years or less. In heavily populated watersheds where a majority of the land is steeply sloped or relatively impervious to infiltration of rainfall, roughly one-fifth of US watersheds, the payback time for retention-based planning could approach or even exceed a decade. In the remaining watersheds where conditions are between these extremes payback times will vary with the skill of planners and the desire of residents for additional benefits.

In the Murrieta Creek example noted above, the high cost and low quality of imported water makes rainwater worth over \$1,800 per acre-foot (when all importation, dilution, distribution, wastewater disposal, and environmental mitigation costs are factored in), an unnecessary burden of about \$900 per household yearly. When this amount is combined with the costs of bottled water - home filtration - appliance replacement - plumbing repair - drainage system construction/flood control (necessitated by bureaucratic refusal to retain this volume of water) the public's average household cost for deliberate misplanning is about \$2,100 yearly.

This is obviously an extremely high price to pay for ignorance of the simple techniques that would guide the area's abundant rainfall to its immense natural underground reservoirs but Southern Californians have been cleverly deluded for an entire century into believing that they are too proudly "laid back" to take part in managing their economic and natural resource wealth. Most also seem to accept the fiction that they lack sufficient conceptual planning ability to understand how to manage rainwater and to provide meaningful comment.

While other states have allowed huge water resource management scams to raid the public treasury, California has gained a unique position by creating the largest, most efficient and least recognized method for channeling public funds into private bank accounts. Not only does the public subsidize agribusiness profiteers by paying over 90% of water costs, it supports the army of bankers, bureaucrats, contractors, suppliers, and associated business that build and maintain the drainage systems which enable some of the same profiteers to operate the worlds grandest land development schemes. (Drains

magnify land values enormously, allowing insiders to buy floodplain land at minimal cost and resell it to tract home builders for huge unearned profit, often through the misuse of redevelopment powers and funds.)

This example can be considered atypical for Southern California because the Chief Engineer was found to be primarily concerned with providing drainage systems that would maximize profits for private interests. (Whose political influence had brought him to Riverside County after Phoenix area citizens groups forced him from office for similar scheming.) The facts and results of this gross mismanagement of the public's economic and natural resources are easily identified, making it an excellent "horrible example" of how planners and engineers may flatly refuse to properly evaluate alternatives to drainage-oriented rainfall management.

ENGINEERING MISDIRECTIONS

Most agency managers let engineers select water resource planning alternatives and then have planners test these for economic feasibility. This ludicrously inappropriate procedure has prevented rainfall retention from being included among options presented to elected officials. (Rainwater conservation alternatives are routinely buried or discredited by the engineers because these threaten their job security.) Few politicians accept that conceptual planning cannot properly begin with tunnel-visioned specialists and most have been misled by the same specialists into doubting their own conceptual planning ability.

Whenever senior planners prevent full evaluation of every reasonable alternative in defiance of NEPA and CEQA guidelines, lower-level planners have a moral obligation to expose this lawbreaking to public view. When any public servant recognizes deliberate falsification of data or distortion of premises in a presentation of plans to elected officials or the public, they have a duty to make their perceptions known.

On the flip side of this: When citizens take so little interest in how their public affairs are managed that they will not support a public servant who exposes deliberate mismanagement or false or distorted information, they have only themselves to blame when forced to pay tax and utility bills that are many times higher than necessary.

**Emergency Watershed Protection Program Programmatic Environmental Impact Statement
Responses to Comments on the Draft EWP PEIS**

<p>1) Proposed Action Element 2 would not hand emergency powers to local officials. As with all of the other proposed elements, the “exigency” action would be undertaken only by NRCS personnel and for this element, only in dire circumstances where immediate action must be taken to avoid loss of life or property. As with all such work, it would be reviewed and approved by the NRCS State Conservationist.</p> <p>2) NRCS has a well developed and field proven array of emergency restoration practices and NRCS staff are fully prepared to implement them. Each of the practices is broad enough in applicability to address what might be termed a “damage scenario” which would encompass the range of circumstances of a watershed impairment under which the practice or a group of practices might be employed for disaster recovery. However, each actual emergency recovery situation requires a site-specific solution for which the general engineering and biologic principles of the practice would be adapted to the specific hydrologic and related environmental conditions at the site. This requirement for readiness to employ appropriate practices and flexibility to adapt them to the conditions at hand was part of the impetus for Proposed Action Element 6 of Section 3.2.2.1 for pre-disaster planning and coordination.</p> <p>3) The complexities of the watershed environments across the U.S. and the variety of potential impairments that might result from the range of natural disasters the EWP Program addresses make it impractical to attempt to define exactly what response will be made in every conceivable emergency situation beforehand and to evaluate the defensibility of each and every possible course of action. NRCS staff are trained to make equitable decisions in just such crisis situations when and where they occur and they do factor in the views of affected members of the public. Part of the emergency measure review process is coordination with the U.S. Army Corps of Engineers to ensure that their permitting requirements are fulfilled. Further, NRCS plans to continue to improve its outreach to communities, individuals, and other interested parties by having them become more involved in pre-disaster planning to ensure that Emergency Recovery Plans meet their needs. Part of NRCS’ effort to identify and address the concerns of the public is this PEIS process itself.</p>	<p>4) The basic premise of the PEIS is that the public funds that are used to achieve the principal mission of the EWP Program—safeguarding lives and property when a natural occurrence causes a sudden impairment of a watershed—should be spent effectively, efficiently, economically, and with full consideration of environmental and social concerns. Easements are purchased in conjunction with the overall EWP Program mission of dealing effectively with disaster recovery and are designed to restore natural floodplain function and reduce repeated Federal disaster repair payments in the longer-term. Restoration of wildlife habitat is an important but ancillary benefit of floodplain easement purchase.</p> <p>5) EWP is a disaster response program, not a flood prevention program. Section 216, P.L. 81-516 (as amended) that pertains to NRCS EWP Program states that: "The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed <i>whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment</i> of that watershed." Other NRCS programs—specifically the P.L. 78-534 and P.L. 83-566 programs—address flood prevention. In watersheds where EWP practices restore floodplain function, the purchase of easements are encouraged. NRCS would stipulate what uses are compatible with the purpose of the easement and, in particular, would not allow any structural improvements. No buildings and generally no utility infrastructure would be allowed in the easement so that they would not be subject to damage. Easement purchase would not be made where public roads or community infrastructure might be jeopardized; they would continue to be protected.</p> <p>6) Participation in the EWP easement program is completely voluntary on behalf of the landowner. NRCS will pay the fair market value (pre-disaster value) for the home, enabling the homeowner to purchase a comparably priced home in the community outside the 100-year floodplain.</p>
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**Emergency Watershed Protection Program Programmatic Environmental Impact Statement
Responses to Comments on the Draft EWP PEIS**

James Marple page 7	James Marple page 8
<p>7) There should be no net environmental damage, no net gain in impervious surfaces. Many relocated residents would likely find homes in existing dwellings. Others may have their floodplain-located homes moved to higher ground. Any new homes that might be built should be offset by demolition of the residences in the floodplain that are at risk. And stormwater management units which would retain all potential floodwaters except extreme peak flows would necessarily be part of any such new development. There would be no increase in sewage effluent or water supply requirements because no new people are being introduced to the locality; they are simply being moved out of the floodplain where they currently have those same water and wastewater treatment requirements.</p>	<p>8) There have been situations in the past where there was a conflict between achieving the mission of the program, to quickly eliminate a threat to life or property, and related goals of protecting the environment or considering the social implications of a proposed emergency measure. Part of the impetus for the proposed EWP Program Improvement is to structure the Program and promulgate guidance that will ensure those potential conflicts are better addressed in the future. NRCS is committed to ensuring the environmental and social defensibility of its EWP work. In repairing flood damages, NRCS proposes to implement solutions that consider all relevant social and environmental factors as well as technical and economic factors.</p> <p>9) Within the broader context of the Congressional appropriations process, all Federal agencies compete with each other for public funds. With respect to ECP, the particular program mentioned in the PEIS, NRCS does not anticipate a conflict with ECP (an FSA program) and the Federal government would certainly not pay twice for the same practice. As for other Federal programs, NRCS anticipates no duplication of effort in duties for emergency repair work.</p> <p>10) Yes, other Federal, State, and local agencies were involved in the drafting of this PEIS. USFWS, USEPA, USFS, FEMA, OMB, CEQ, USACE, and the Office of the General Council (OGC) contributed to the document while it was in the draft stages, prior to its publication. Comments on the published Draft EWP PEIS were solicited from Federal agencies, State emergency management offices, SHPOs, American Indian tribal governments, State departments of natural resources, non-profits, private companies, and concerned individuals. A list of the groups who were sent a copy of the Draft PEIS is provided in the "Distribution List" section of the document.</p> <p>11) NRCS believes that the scoping conducted for the EWP PEIS was adequate, including the advertising done to inform the public that NRCS was preparing the PEIS, that public meetings were being held to solicit their comments, and that they could also submit comments through a number of other means. Please refer to Chapter 3 and Appendix A for a full description of the scoping process. Scoping for this project was conducted in accordance with the Council on Environmental Quality (CEQ) regulations and USDA and NRCS regulations and policy.</p>

**Emergency Watershed Protection Program Programmatic Environmental Impact Statement
Responses to Comments on the Draft EWP PEIS**

James Marple page 12	James Marple page 16
<p>12) The anticipated loss of crop or grazing acreage is likely to be small, minimizing any nationwide or localized impacts to the costs of food production. It could be argued that catastrophic flood damages to crops will be reduced, lowering the risks of large financial losses by individual farmers.</p> <p>13) Please refer to response to page 7 response # 1</p> <p>14) The proposed easement purchases would be voluntary.</p>	<p>15) Please refer to Section 5.3.4 in Chapter 5, which discusses the impacts of easements to the local tax base.</p> <p>16) NRCS will pay the fair market value (pre-disaster value) for the home, enabling the homeowner to purchase a comparably priced home in the community outside the 100-year floodplain.</p> <p>17) Wildlife diversity may actually increase substantially with easement purchases. Riparian areas are an incredibly diverse ecosystem, with abundant aquatic and vegetative communities. Terrestrial organisms also frequent these areas for feeding and habitation. By significantly improving the habitat in streamside lands, these ecosystems and their component plant and animal species should see benefits over the long-term.</p> <p>18) Any such diminishment in upland areas is likely to be more than offset by the increased opportunities in the restored natural floodplain areas.</p>

**Emergency Watershed Protection Program Programmatic Environmental Impact Statement
Responses to Comments on the Draft EWP PEIS**

James Marple page 17	James Marple page 18
<p>19) NRCS agrees that land values may indeed increase in areas near buyouts, which would benefit the current landowners but adversely affect other potential buyers. NRCS has addressed these positive and negative effects in the socioeconomic impacts analysis in the PEIS. Additionally, NRCS will pay the fair market value (pre-disaster value) for the home, enabling the homeowner to purchase a comparably priced home in the community.</p> <p>20) Similar to page 12, comment #1, there is no guarantee that acreage removed from agricultural production will automatically be replaced. The purpose of an easement is to remove these lands from production, thus reducing the Federal expenditures for disaster damages. The easement purchase also serves to supplement the landowner's income to mitigate the loss in crop revenues.</p>	<p>21) The rationale behind the selection of Alternative 4, the Preferred Alternative, has been outlined in previous comments (see for example, USEPA page 1, response #1). This rationale will also be published in the Record of Decision.</p>