

A Call for a Water ISTEA

Representative Earl Blumenauer

America's communities are trapped under layers of outdated government that have neither the authority nor jurisdiction to meet the challenges of our modern day. And, though federal legislation has helped communities jointly plan for their transportation needs, states and local governments continue to ignore most opportunities for regional problem solving. Fortunately, the refusal of water to recognize political boundaries may hold the key to achieving the full advantage of regionalism.

Using existing government powers and current revenues, we can organize new relationships which improve water supply and quality while preventing floods and pollution. By successfully managing our water resources at the regional or watershed level, we can set in motion a process to do most of our planning where it can do the most good: in metropolitan regions.

Problems in Our Watersheds

Thus far our nation has approached water problems as distinct engineering challenges. We have invested billions of dollars in the assumption that watersheds can be manipulated like machines, yet we cannot guarantee our citizens clean drinking water, flood protection, or lakes and rivers able to support recreation and wildlife:

- despite federal flood control spending of over \$38 billion since 1960, flood losses top \$4 billion annually, triple the annual real losses of the early 1950s;

- sprawl is constraining our ability to find enough water for metropolitan areas. What we are discharging into our waters cannot continue if we are to meet our increasing water supply needs;
- over half the wetlands in the continental U.S. are gone—greatly decreasing the natural capacity to fight floods and clean water, which threatens our fishing industry's 1.5 million jobs; and
- forty percent of the nation's waters are polluted and cannot be used for their intended purposes of recreation, drinking, or supporting aquatic life.

Government policies force us to approach water management in a piecemeal fashion. As water needs outstrip available resources, our inefficient water management systems cannot be sustained:

- local governments and the states cannot manage effectively water problems that cross political boundaries;
- the limited availability of federal, state, and local funds does not allow us to solve water problems in traditional ways; and
- federal regulations, grants, and loan programs do not allow for innovative water-management strategies which can address our needs in a cheaper, "greener" manner.

We Can Do Better: A Call for a "Water ISTEA"

In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) changed the

way all levels of government solve transportation problems. Many of ISTEA's innovations, such as systemwide planning, federal flexibility, and a requirement for meaningful citizen participation in regional decisions, recognized that transportation problems cannot be solved one municipality at a time. ISTEA has been a resounding success, providing the tools to create balanced regional transportation systems that efficiently meet the needs of its users. In 1998, I will introduce a "Water ISTEA," applying the same principles of systemwide planning, flexibility, and citizen participation to federal involvement in regional water management.

In looking to regional water cycle management as a catalyst for broader regional cooperation, the differences between stream flows and traffic flows become more important than their similarities. Watersheds and transportation facilities are both intimately tied to land use, but our bad transportation decisions do not cause crises requiring the immediate, unplanned government intervention that flood victims have come to expect. And while traffic congestion can raise tempers, road rage still can't compare with the heated, often violent, battles over water rights that shape the politics of the West. The relative urgency of water-cycle issues, as well as our inability to control them, can compel regional cooperation in a way that transportation has yet to achieve.

Systemwide Planning

As the city commissioner in charge of Portland's sewer agency, I was frustrated that federal regulations prevented us from managing our region's river pollution problems holistically. Despite spending over a billion dollars to eliminate rain-induced sewer overflows into the Columbia and Willamette rivers, our rivers remain unclean—not from industrial users or our sewer system, but from upstream pollution.

Runoff from farms, roads, golf courses, and construction sites pollutes Portland's river water before it enters our community. The magnitude of this problem is felt by most cities adjacent to rivers and lakes, as agriculture runoff alone pollutes 60 percent of our nation's total river miles. Given the varied sources of water pollution, it is ridiculous that we enforce stringent federal requirements for some polluters within a region while ignoring others completely.

Flood control also demands a regional approach. The abundance of federal funds for levees and dams has encouraged inefficient, local management of regional flooding. When they do stop local flood events, levees and dams only exacerbate flooding in downstream communities while they degrade the environment—costs not borne by those the devices were built to protect.

Recent events in California, the Midwest, the Northwest, and the Southeast further illustrate the folly of structural, local flood control. In each case large concrete and earthen projects had encouraged development in floodplains. And, since no project can prevent a big flood, larger flood events are inflicting more damage because more development is in harm's way.

When viewed regionally, the benefits of alternative approaches, such as reserving floodplains and wetlands as space for the river to overflow, become clear, but federally subsidized flood control projects distort local decision making.

A Water ISTEA would recognize the efficiency of regional planning for water resources. No longer would federal programs tempt cities and states to shift problems downstream. Instead, federal funds would help local governments develop regional partnerships and basinwide water management plans. Requests to federal agencies for water projects would have to be included in the regional plans, and would have truly to solve water management challenges.

Federal Flexibility

Once communities begin to look at water-cycle management regionally, they quickly realize federal programs do not accommodate this approach. Over 20 federal agencies have their own programs for funding water projects or regulating water use, with little coordination among them. In fact, many federal programs work at cross purposes—such as the Army Corps of Engineers river-channeling projects, which can kill a river, versus the Environmental Protection Agency's (EPA) Clean Water Act regulations.

A Water ISTEA must allow communities to decide what kinds of projects best suit their needs, rather than provide a limited menu of water projects from which to choose. At the very least, communities must be allowed to package funds when projects meet many objectives. Programs like the Department of Agriculture's Crop Reserve Program, which can be used to reclaim wetlands adjacent to a river, and the Federal Emergency Management Agency's predisaster mitigation funds, which can be used to move houses away from frequently flooded river banks, should be able to be used together, since the program goals are so obviously compatible.

Regulations should be reviewed as well. Standards must be kept firm, but flexibility in how the standards are achieved should be encouraged. The EPA's XL program provides a glimpse at how flexible regulations can promote innovation, by allowing regulations to be altered if greater environmental gains are achieved through more protection.

The bulk of Portland, Oregon's regional water supply was recently found to be out of compliance with drinking water lead standards and the Portland Water Bureau was ordered to treat the water at the source.

This approach ignored the fact that most of the region's cases of high blood-lead concentrations resulted from lead-based paint in older, dilapidated houses, together with

lead emanating from the pipes of a small percentage of Portland's homes.

Portland has asked the EPA for permission to lower blood-lead concentrations with a more focused approach. If approved, Portland would undergo an extensive process of identifying—and fixing—homes with lead problems; increased health at decreased costs.

It is important to understand these are not arguments for devolution of government; rather, they represent an attempt to allow problems to be solved at the appropriate level—in this case, regionally.

Everyone impacts the water cycle, and everyone—particularly taxpayers—can benefit from innovative, regional water management. People care about clean water, wildlife habitat, and flooding, and they want to be part of the solution. A Water ISTEA would require full public involvement.

Conclusion

Our pressing regional water problems require regional solutions. Unfortunately, the federal government has not always fostered, and has often interfered with, local government cooperation. The Water ISTEA will reinvent the federal role, making it a partner in the quest for regional water resource management. As we redefine the role of participants in managing a region's water, we set in motion a process and an understanding of the benefits of regional cooperation. A Water ISTEA could provide the vehicle for our metropolitan areas to manage the challenges of the next century. ■

Earl Blumenaur serves in the U. S. House of Representatives, elected from Oregon's 3rd Congressional District in the Portland area where he has been a lifelong resident. He is co-chair of the House Sustainable Development Caucus, and founder and co-chair of the Livability Task Force. He served for a decade as a councilman of the Portland City Council. He previously was elected to the Multnomah County Board of Commissioners and the Oregon Legislature.