

## **Comments on Regional Committee Plans Under Act 220**

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The DEP Water Planning Office helped to facilitate regional public meetings in May to gather additional input to assist the regional committees. In the announcements of the meetings, the DEP noted that written comments could also be submitted directly to the DEP Water Planning Office for transmittal to the regional committees.

Section 3112 of Act 220 specifies the contents of the regional and state water plans. It provides that the plan shall consider “regional water resources *needs, objectives and priorities* as identified and evaluated by the regional committee” as well as “federal, state and interstate water resources policies, plans, objectives and priorities” including those identified in agreements and plans adopted by interstate compact basin commissions. (Section 3112(B)(2), (3)). In their current draft state of development the regional planning documents, with the exception of the Delaware regional committee, have not entirely identified their objectives and priorities. This is a critical step in order to make Pennsylvania’s planning process effective.

Each regional committee should undertake a serious effort to identify and articulate these objectives and priorities. We have reviewed state water resources planning in more than a dozen states across the nation, and at this early stage of the Act 220 process would encourage each regional committee to give serious consideration to adding the following objectives and priorities found in most plans.

### **Substantive Elements**

Objectives and priorities ordinarily include water resources management aims including:

- Watershed and ecological integrity (which can encompass flora and fauna, natural systems, wildlife, fish and other aquatic life, endangered and threatened species, support of water and land habitats including wetlands and forests, biodiversity, ecosystem health and/or quality)
- Conservation and efficient use of water resources (e.g., avoidance of waste and wasteful consumption, conservation as a specified goal)
- Support of sustainable human and economic needs consistent with integrated land use and water plans

The statements of objectives and priorities often explicitly link water quantity and water quality. The objectives and priorities include both groundwater and surface water. And the priorities link land use decisions with water resources policies, for example by stating the intent that land use decisions be made in consideration of and consistent with water resources policies.

Water resources planning can identify the uses of water that the state considers in support of the values, such as support of aquatic life/ecosystems, fisheries, recreation, domestic, commercial, industry, etc. Overall, a strong value statement is often important.

Minimum streamflow or water levels are characterized by several state planning schemes as an objective, but can also be defined as a use, as criteria in an allocation scheme, or as goals separate and distinct from desired uses of water. The definition of this objective should ideally encompass water needs for the aquatic ecosystem (flora and fauna) and for any related land-based ecosystems. Some states also incorporate within minimum streamflow those flows that are needed to ensure that there is adequate water downstream to meet existing rights or allocations, while others keep

### **Process Elements**

Typically, a water resources plan would include a commitment to a public involvement process for the future development of any implementation measures.

A regional statement of water resources objectives and priorities commits to intergovernmental cooperation. Depending upon what authorities and/or programs are accompanying the policy statement, it may be appropriate for the policy to identify the envisioned roles of the various state, regional, and local entities. It may be desirable to express a preference for watershed-based decision-making, perhaps within guidelines or a framework developed by the Commonwealth or region. The regional plan should also recognize its previous commitments through interstate agreements, and incorporate by reference the policies of these agreements.

The regional and state plan should commit to using the best available data in developing programs.

Regional priorities and objectives often have the greatest potential impact if they are explicitly made applicable to all agencies of the state, and if feasible, to municipalities, authorities, water companies, utilities.

Sound policies require that other plans, programs, regulations, actions, permits, and funding decisions be consistent with it, perhaps recommending a statement of consistency for certain categories of actions.

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These elements are, in fact, contemplated by Section 3112(B)(2) & (3), and the six regional committees have a critically important role to play in ensuring that the state plan benefits from their identification of the objectives and priorities.

Detailed information from the planning approaches used by other states is available, if the committees so desire. [mcelfish@eli.org](mailto:mcelfish@eli.org).