

# United States Senate

WASHINGTON, DC 20510-2402

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CHAIRMAN

COMMITTEE ON  
AGRICULTURE, NUTRITION,  
AND FORESTRY

COMMITTEE ON  
RULES AND  
ADMINISTRATION

October 8, 2015

The Honorable Sally Jewell  
U.S. Department of The Interior  
1849 C Street, Northwest  
Washington, DC 20240-0001

Dear Secretary Jewell:

It has come to my attention that the Water Resources Council plans to meet today, October 8, 2015, to consider revised Guidelines for Establishing a Federal Flood Risk Management Standard (FFRMS).

On November 20, 2014, I wrote the President to express my view that the public and its elected representatives deserve to understand the costs, benefits and scientific rationale behind any such standard before it is issued. The Executive Branch has offered few details about this action and seems to have ignored the 2009 "Memorandum on Transparency and Open Government" as well as Executive Orders 13563 and 12866.

I am concerned with the Administration's actions to resurrect the Water Resources Council (the Council) through the directive set forth in Executive Order 13690 to issue amended Guidelines to implement a FFRMS. It is my understanding that the Administration has not requested, nor has the Congress provided, any appropriations for the Council or related activities since Fiscal Year 1983.

In an effort to better understand the Administration's actions and discrepancies among existing policies and information provided by the Administration in response to previous questions I submitted regarding this topic, I request that you respond in detail to the following points prior to taking any further action related to a FFRMS:

- 1.) Consistent with Executive Orders 13563 and 12866, please detail the technical, legal and scientific justification for the proposed policy change, as well as net cost-benefit and alternatives analyses.

2.) If agencies have refused to give the appropriate consideration of alternatives as required under the National Environmental Policy Act, please provide the rationale as to why there was no consideration of alternatives.

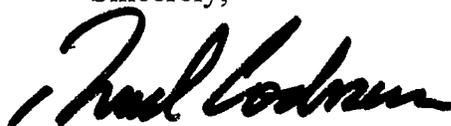
3.) Please identify any non-government organizations or individuals that had any role whatsoever in composing, editing, drafting, reviewing or developing any part of a FFRMS, pursuant to Executive Order 13690. Specifically identify all individuals, their organizations, their roles in the process, including any individuals or organizations that worked through a contractual relationship with any office, agency or department of the Executive Branch.

4.) It is my understanding that the authorization for the Council was terminated on October 31, 1982. Subsequently, Congress has not provided, nor has the Administration requested, any authorization or appropriations to support any other federal agency employees in the exercise of any authorities carried out in accordance with the Water Resources Planning Act (42 U.S.C. §§ 1962a, 1962d-3). If functions of the Council have been carried out using appropriations made to agencies other than the Council since Fiscal Year 2009, please provide a detailed accounting of any funds expended to support such activities, including the source of all such funds, and explain how the Council proposes to become compliant with 42 U.S.C. §1962d-3 with respect to reimbursement of other agencies for use of their officers, employees or resources associated with carrying out the functions of the Council.

5.) If the Council has convened to consider a FFRMS and Executive Orders 11988 and 13690, identify any Executive Branch personnel, including offices, departments, and agencies, utilized to support such activities. Include the dates any meetings of the Council were held, all transcripts, recordings or minutes of such meetings, and whether there was any public notice of such meetings, as required by the Federal Records Act and the Government in the Sunshine Act.

I continue to ask that prior to taking any further action related to a FFRMS that the Administration work with Congress and other stakeholders to ensure that additional Federal actions to manage flood risk are in the best interests of the American public.

Sincerely,

A handwritten signature in black ink, appearing to read "Thad Cochran". The signature is fluid and cursive, with a large initial "T".

THAD COCHRAN  
United States Senator

cc: The Honorable Jeh Johnson, Secretary, U.S. Department of Homeland Security  
The Honorable Jo-Ellen Darcy, Assistant Secretary of Civil Works, U.S. Army