

## **Water protection: Federal law would again let Army Corps run roughshod over environment**

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U.S. Sen. Barbara Boxer is justifiably considered one of the biggest champions of the environment on Capitol Hill. For that reason we are especially disappointed that she is sponsoring a water bill that would severely limit thoughtful review of the U.S. Army Corps of Engineers' plans. The Corps is notorious for proposing unnecessarily destructive projects, while the reviews under attack have a proven record of protecting America's rivers, streams and wetlands while saving taxpayer dollars and reducing flooding.

The last time Congress passed a bill addressing Corps policies was during the aftermath of Hurricane Katrina. At that time, modest improvements were made to the Corps' planning process, but more reforms are sorely needed.

As we now know, Hurricane Katrina was not just a natural disaster. The flooding and 1,800 deaths were caused by multiple, egregious failures on the part of the Corps, including its decision to dredge a shipping channel from the Gulf of Mexico into the heart of New Orleans over protests from the Fish and Wildlife Service. This channel was a bust for the navigation industry, but it funneled Katrina's storm surge straight into the city.

The current version of the Water Resources Development Act reads as if the worst flooding disaster in American history never happened. The draft fails to include any additional reforms and could actually take us back to the days when the Corps was able to push aside environmental concerns.

The Corps will be able to use fines of \$20,000 a week, internal investigations and arbitrary deadlines to intimidate other federal agencies into signing off on proposals. This would be bad policy for any agency, but it is unfathomable when it comes to the Corps.

The failures of the Corps in New Orleans were no aberration. The history of the Corps is littered with dubious proposals.

Take the Yazoo Pumps. The Corps wanted to build the world's largest hydraulic pump so a handful of farmers could increase production in the Yazoo River's Mississippi floodplain. Staff at the Environmental Protection Agency and the Fish and Wildlife Service carried out detailed analyses of this \$220 million project and found that the pump would damage or destroy an area of wetlands almost twice the size of San Jose. If the provisions in this bill had been in place, the agencies would not have been able to carry out the environmental and technical studies that led the George W. Bush administration to put a stop to the Yazoo Pumps.

In California, the review process exposed the devastating impacts of the Corps' plan to dredge the pristine Bolinas Lagoon. The proposal was aimed at keeping the lagoon from silting in, but the reviews found the project would have increased siltation. This boondoggle has been abandoned, saving taxpayers \$133 million.

Boxer has argued that critics of these sections "don't understand how it works." Fifty law professors from around the country respectfully disagree. These experts in environmental law have all signed onto a letter calling for the removal of these provisions from the bill.

We urge Boxer and her colleagues to replace these destructive provisions with real reforms that will require the Corps to confront the realities of a warming world and use the least damaging solutions wherever possible. This would be a worthy addition to Boxer's environmental legacy.

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